

JOURNAL OF THE FLORIDA SENATE

Friday, May 31, 1974

The Senate was called to order by the President Pro Tempore at 8:30 a.m. A quorum present—40:

Mr. President	Gordon	Myers	Stolzenburg
Barron	Graham	Peterson	Sykes
Brantley	Gruber	Pettigrew	Trask
Childers	Henderson	Plante	Vogt
Deeb	Johnson	Poston	Ware
de la Parte	Johnston	Saunders	Weber
Firestone	Lane (31st)	Saylor	Williams
Gallen	Lane (23rd)	Scarborough	Wilson
Gillespie	Lewis	Sims	Winn
Glisson	McClain	Smathers	Zinkil

Excused: Senators Trask, Saunders, Graham, Poston, Gordon, Myers, Plante, de la Parte, Lewis, Barron, Ware, Brantley, Lane (31st), Lane (23rd), Smathers, Johnson, Childers, Peterson and Glisson periodically for the purpose of working on conference committee reports.

Prayer by the Senate Chaplain:

Our God, these Senators have reached a point of high emotional tension. The insulation afforded by available time has now worn so thin that it would be easy for them to short circuit their purposes and fail to produce the effective light of good legislation.

We pray that in the absence of the protection and precaution of time they will more diligently substitute the precautions of self-discipline and self-control.

We ask especially for these worthy Senators in your presence special grace during this difficult day of mental, physical and emotional challenge.

In the name of our Lord we pray. Amen.

EXECUTIVE BUSINESS

By direction of the President Pro Tempore, the following communication and certificate were read:

Honorable Joe Brown
Secretary of the Senate
The Capitol

May 30, 1974

Dear Mr. Brown:

Pursuant to the provisions of Section 112.071 (1), (b), Florida Statutes, we are enclosing a certificate listing the name of a person for whom a commission has been prepared and which is subject to confirmation by the Senate.

With kind regards, I remain

Cordially,
RICHARD (DICK) STONE
Secretary of State

By (Mrs.) *Dorothy W. Glisson*
Director, Division of Elections

I, Richard (Dick) Stone Secretary of State of the State of Florida, do hereby certify that pursuant to the provisions of Section 112.071 (1), (b), Florida Statutes, a commission which is subject to Confirmation by the Senate has been prepared for the following:

NAME	OFFICE	FOR TERM ENDING
Joseph F. McLain Fort Walton Beach	Member, Board of Trustees, Okaloosa-Walton Junior College	May 31, 1977



Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the Thirtieth day of May A. D. 1974

RICHARD (DICK) STONE
Secretary of State

Which was referred to the Committee on Education.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Friday, May 31, 1974, at 8:30 a.m.:

Conference Committee Report on the Appropriations Bill to be heard at 8:30 a.m.

HB 4005	HB 4066	HB 4122	HB 2930
HB 3504	HB 3924	HB 3757	SB 647
SB 48	HB 3324	HB 3242	SB 648
HB 3909	HB 2352	HB 3628	HB 2040
HB 4154	SB 659	SB 660	SB 263

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar recommends that the following bills be placed on Consent Calendar for Friday, May 31, 1974, to be heard for one (1) hour starting at 1:00 p.m.:

HB 3966	HB 3242	HB 100(cs)	HB 1660
HB 3363	CS for HB 3649	HB 2889	HB 509 (cs 509,
SB 599	CS for HB 3630	HB 3324	510, 511, 512)
HB 2591	HCR 3580	SB 643	HB 3834
HB 1108	HB 4221	SJR 965	CS for HB 3822
HB 2352	HB 3631	SB 273	CS for HB's
SB 619	HB 3628	HB 3168	2288 and 3001
HB 3499	HB 3638	CS for HB 2770	CS for HB 2884
HJR 3522	HB 3654	HB 4142	CS for HB 3948
HB 3323	SB 225	SB 824	CS for HB 584
SB 231	HB 629	HB 1854	SB 660
SB 839	HB 3962	HB 4117	CS for HB 3277
CS for CS for	HB 3975	SB 350	& 3340
HB 3740	CS for HB 3441	HB 1216	
CS for HB 2730	HB 2496	HB 2939	
CS for HB 3378	HB 2739	HB 3119	

Respectfully submitted,
Dempsey J. Barron, Chairman

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 29, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 3383 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations and Representative Mixson and others —

CS for HB 3383—A bill to be entitled An act relating to housing; providing for findings and declaration of necessity by the legislature; providing definitions; establishing the revolving rural land acquisition and site development assistance trust fund; authorizing the secretary of community affairs to make loans to local governments and to local housing authorities or public bodies for the acquisition and development of land for housing for rural persons and families of low or moderate income; providing for the disposition of property acquired by a loan under the act; providing for terms of loan agreements; providing for time constraints on loans; providing for promulgation of rules; providing powers of the secretary in the event that housing is not developed on land acquired by a loan; pro-

viding for the disposition of property which might accrue to the state; providing for capitalization of ad valorem taxes; providing for expiration of lending authority; providing an effective date.

—was read the first time by title and placed on the calendar.

On motion by Senator Lewis, unanimous consent was obtained to take up CS for HB 3383 out of order. On motions by Senator Lewis, by two-thirds vote CS for HB 3383 was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—25

Mr. President	Graham	Scarborough	Weber
Brantley	Henderson	Sims	Wilson
Childers	Johnson	Stolzenburg	Winn
Deeb	Lewis	Sykes	Zinkil
Gallen	McClain	Trask	
Gillespie	Myers	Vogt	
Glisson	Poston	Ware	

Nays—6

de la Parte	Plante	Sayler	Williams
Lane (23rd)	Saunders		

By unanimous consent Senators Gruber, Peterson, Johnston, Smathers and Pettigrew were recorded as voting yea.

SB 971 was laid on the table.

The Honorable Mallory E. Horne, President May 29, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended—

HB 2404 HB 3360

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Rude—

HB 2404—A bill to be entitled An act providing for the relief of George Michel, Broward County, for his financial loss and property damage caused by the department of transportation; providing an appropriation; providing an effective date.

—was read the first time by title and placed on the calendar.

By Representative Holloway and others—

HB 3360—A bill to be entitled An act relating to transportation; providing legislative intent; authorizing the department of transportation to negotiate an agreement with the national railroad passenger corporation to provide additional rail passenger service in certain parts of the state; providing an appropriation and expenditure of such funds; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

The Honorable Mallory E. Horne, President May 29, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended CS for CS for HB 3824 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations and Education and Representatives Birchfield and G. C. Robinson—

CS for CS for HB 3824—A bill to be entitled An act relating to instructional television and radio and public broadcasting; providing a short title; providing for the duties and responsibilities of the department of education; providing for an advisory council; providing for contracts between public broadcasting stations and the department of education; providing for

the submission of annual budget requests by public broadcasting stations; providing formulae for the determination of annual budgets request by the department of education; providing for promotion and development by junior colleges and state universities; providing for cooperation between instructional television and public broadcasting stations; repealing §229.805 and §229.8051, Florida Statutes, 1973; relating to educational television and the public broadcasting system; providing a severability clause; providing for an effective date.

—was read the first time by title and referred to the Committee on Ways and Means

The Honorable Mallory E. Horne, President May 29, 1974

I am directed to inform the Senate that the House of Representatives has passed HB 2862 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Spicola—

HB 2862—A bill to be entitled An act relating to continuing education; creating §240.0445, Florida Statutes, to authorize the board of regents to establish a center for continuing education for training, research, and education in the environmental occupations with special emphasis upon training of operational personnel for water and waste water utilities throughout Florida; providing for cooperation with other agencies; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has adopted as amended HCR 3582 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Sessums and others—

HCR 3582—A concurrent resolution urging the appropriate officials of the University of Tampa and Florida Agricultural and Mechanical University to call the football game played between said universities on Thanksgiving weekend the "Jake Gaither Classic," and further urging Mr. Boone Arledge, President of the American Broadcasting Company, to provide regional television coverage of the football game.

—was read the first time by title and placed on the calendar.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended HB 3197 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Gallagher—

HB 3197—A bill to be entitled An Act relating to motor fuel tax; amending the introductory paragraphs of paragraph (b) of subsection (2) of section 206.60, Florida Statutes, 1973; providing that counties shall not discriminate in the expenditure of the 7th cent motor fuel tax for the support of public mass transit systems; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended HB 3631 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative MacKay and others—

HB 3631—A bill to be entitled An act relating to an energy emergency, granting emergency powers to the governor, pro-

viding for the creation of a fuel emergency council, granting powers to promulgate rules, authority to subpoena witnesses, appeal procedures, providing an appropriation, providing penalties, providing an effective date.

—was read the first time by title and placed on the calendar.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has adopted as amended—

HM 4212 HM 4015

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Baumgartner and others—

HM 4212—A memorial to the Congress of the United States, urging the release of federal funds for the Virginia Key sewage facility in Dade County.

—was read the first time in full and placed on the calendar.

By Representative Rude and others—

HM 4015—A memorial to the Congress of the United States, urging Congress to enact legislation providing for an Assistant Secretary of Defense for Reserves.

—was read the first time in full and placed on the calendar.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended—

CS for HB 3630 HB 3439 HB 1309
HB 3560

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Governmental Operations and Representative MacKay and others—

CS for HB 3630—A bill to be entitled An act relating to energy information, establishing an energy data center to collect information on the reserves, production, supply, and distribution of energy resources within "the state" in order to allow "the state" to more effectively deal with and anticipate energy problems, establishing a director of the center, requiring periodic reports, defining the types of information needed; requiring reports from persons involved in the production, supply, and distribution of energy in "the state", requiring validation of information collected, requiring use of existing information; providing for protection of proprietary information; providing an appropriation; providing a penalty; providing an effective date; providing an expiration date.

—was read the first time by title and placed on the calendar.

By Representative Craig—

HB 3439—A bill to be entitled An act relating to the disposition of dead bodies; amending section 245.13(2), Florida Statutes, relating to duties of division of universities with regard thereto; by deleting an annual audit; providing an effective date.

—was read the first time by title and placed on the calendar.

By Representative Holloway and others—

HB 1309—A bill to be entitled An act relating to motor vehicle tax collections; creating a motor vehicle tax collection trust fund; amending section 320.20, Florida Statutes, providing that revenues other than the first proceeds, and other than taxes and fees distributed pursuant to subsections 320.081(3) and 320.081(4), Florida Statutes, be deposited in the motor vehicle tax trust fund; amending section 319.32, Florida Statutes, providing for all revenues to be deposited in motor vehicle tax trust fund; amending sections 322.12, 322.121, 322.21, Florida

Statutes, providing for all revenues to be deposited in the motor vehicle tax trust fund; providing for distribution formula from motor vehicle tax trust fund; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation.

By the Committee on Health & Rehabilitative Services—

HB 3560—A bill to be entitled An act relating to the treatment of tuberculosis; providing legislative intent; providing for a tuberculosis treatment program administered by the division of health of the department of health and rehabilitative services; providing powers of the division; providing for the admission of patients to the program; providing a procedure whereby a person may petition to have a person afflicted with tuberculosis undergo treatment; providing for an examining committee appointed by a circuit court judge to examine the person; providing for the detention of certain tuberculosis-infected persons; providing a procedure for appeal from an order committing a person to compulsory tuberculosis treatment; authorizing isolation of tuberculosis patients under certain circumstances; providing for the appointment of counsel to represent certain patients; providing fees; exempting persons upon religious grounds; repealing chapter 392, Florida Statutes, consisting of §392.03 through 392.36, which provides for a state tuberculosis hospital as well as district hospitals under the division of health; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

On motion by Senator Myers HB 3560 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

The Honorable Mallory E. Horne, President May 29, 1974

I am directed to inform the Senate that the House of Representatives has adopted as amended CS for HCR 3959 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Education and Representative Conway—

CS for HCR 3959—A concurrent resolution approving the types, amounts and use of registration fees, tuition fees, and course fees to be charged and collected from students enrolled in the institutions of higher learning under the board of regents during the 1974-75 school year.

—was read the first time in full and placed on the calendar.

The Honorable Mallory E. Horne, President May 29, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 3865 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Gordon—

CS for HB 3865—A bill to be entitled An act relating to the accessibility of building; providing for building classifications; providing for the accessibility of new buildings to physically handicapped persons; providing exceptions; providing an effective date.

—was read the first time by title and placed on the calendar.

The Honorable Mallory E. Horne, President May 29, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended—

HB 3372 HB 3964 HB 4221
CS for CS for HB's 2837 and 2280 CS for HB 3822

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Harris and Smith—

HB 3372—A bill to be entitled An act authorizing expenditures for fixed capital outlay projects at community colleges, area vocational-technical centers, and institutions under the board of regents; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By the Committee on Appropriations—

HB 3964—A bill to be entitled An act relating to family services; amending section 409.267(2)(b), Florida Statutes, to limit county contributions for medical assistance programs; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By the Committee on Rules and Calendar—

HB 4221—A bill to be entitled An act relating to petroleum allocation; providing powers and duties to the department of administration to perform allocation functions delegated by the federal government; providing for reports of petroleum use; providing for confidentiality of data; providing penalties; providing an effective and termination date.

—was read the first time by title and placed on the calendar.

By the Committees on Finance & Taxation and Environmental Protection and Representatives Spicola and Steinberg—

CS for CS for HB's 2837 and 2280—A bill to be entitled An act relating to resource recovery and management; creating §§403.701—403.713, Florida Statutes; providing legislative findings, public purpose, definitions; providing powers and duties of the department of pollution control; providing for state and local resource recovery and management programs; providing for permits; providing prohibitions and penalties; establishing a resource recovery and management grant fund and advisory council; providing for a state pilot project; providing for revenue bonds and for transportation of solid waste; providing that the department of general services shall establish a collection and recycling program for waste paper materials in state offices; adding subsection (5) to §323.08, Florida Statutes, 1971, providing that the public service commission shall not discriminate against the transport of solid waste, recovered resources or recycled materials in setting motor and common carrier rates; adding paragraph (e) to §350.12(1), Florida Statutes, 1971, and adding a new subsection (5) to §352.22, Florida Statutes, 1971, providing that common carriers may grant reduced rates for transport of solid waste, recovered resources, and recycled materials; providing for appropriations; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By the Committee on Environmental Protection and Representative Crenshaw and others—

CS for HB 3822—A bill to be entitled An act relating to pollution control; amending the water pollution control and sewage treatment plant grant act of 1970 to increase the percentage of project cost which is eligible for grants and to consider such grants an advance on federal funds if federal law allows such a program; providing that funds in the sewage treatment revolving loan program shall be transferred to a state water pollution control trust fund; amending subsection (4) of §403.1826, Florida Statutes, and adding subsection (10) thereto, and amending §403.1835(8), Florida Statutes; providing an effective date.

—was read the first time by title and placed on the calendar.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has adopted HM 4177 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Steinberg—

HM 4177—A memorial to the Congress of the United States, urging Congress to propose an amendment to the Internal Revenue Code granting tax exempt status to residential condominium management associations.

—was read the first time in full and placed on the calendar.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed CS for HB 3649 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Governmental Operations and Representative MacKay and others—

CS for HB 3649—A bill to be entitled An act relating to energy conservation and state building construction; directing the department of general services to promulgate rules for conducting life-cycle cost analyses of alternative architectural and engineering designs on all state buildings; rules for promulgating energy performance indices; providing an appropriation; providing for severability; providing an effective date.

—was read the first time by title and placed on the calendar.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional three-fifths vote of the membership of the House HJR 2549 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Mixson and others—

HJR 2549—A joint resolution proposing an amendment to Section 9, Article VII of the State Constitution, relating to local taxes, to lower millage for school purposes.

—was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed—

HB 4190	HB 4188	HB 4187
HB 4186	HB 4189	HB 4196
HB 4197	HB 4199	HB 4200
HB 4201	HB 4211	HB 4213
HB 4227	HB 3983	HB 4226
HB 4224		

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative D. McDonald and others—

HB 4190—A bill to be entitled An Act for the relief of J. Vattamattam; providing for the monies to compensate him for damage of his automobile through the careless operation of a lift at Motor Vehicle Inspection No. 0405, in Pinellas County, Florida; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4190.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Wilson—

HB 4188—A bill to be entitled An act for the relief of H & H Ambulance Service, Incorporated; providing for monies to compensate for damages done to an ambulance during a shooting in Pinellas County, Florida; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4188.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative D. McDonald and others—

HB 4187—A bill to be entitled An Act for the relief of Trinity Baptist Church; providing for the monies to compensate it for damage to its bus through the careless operation of a lift at Motor Vehicle Inspection Station No. 0404, in Pinellas County, Florida; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4187.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative D. McDonald and others—

HB 4186—A bill to be entitled An act for the relief of Richard H. McDaniel; providing for the monies to compensate him for damage of his automobile through the careless operation of a lift at Motor Vehicle Inspection Station No. 0405, in Pinellas County, Florida; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4186.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Andrews—

HB 4189—A bill to be entitled An act relating to Alachua County; amending §5 of chapter 72-463, Laws of Florida, extending the date until April 1, 1975, by which time the local government study commission for the county is required to submit its plans for improvement of local governmental agencies in the county to the members of the Alachua County legislative delegation; providing for retroactive operation of effective date; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4189.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Gibson and others—

HB 4196—A bill to be entitled An act relating to the City of Orlando, Orange County; repealing Chapter 71-811, Laws of Florida, which granted said city the power to extend its corporate limits to certain areas adjacent thereto; which set forth procedure for annexation by ordinance, without referendum, petition or consent, when the territorial boundaries of the city surround on all sides lands not within the city's territorial boundaries; provided certain conditions in the case of public road rights-of-way and navigable ponds, lakes, streams, creeks and rivers; provided that the act was additional and supplementary to existing powers; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4196.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Hagan and others—

HB 4197—A bill to be entitled An Act relating to the City of Winter Garden; repealing Chapter 73-659, Laws of Florida, which amended Article XI, Section 91 of the Charter by adding a sub-section to be numbered 91(4) to be known as described in said Act and provided a method for the City to extend corporate limits to certain areas adjacent thereto and the procedure therefore; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4197.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Earle and others—

HB 4199—A bill to be entitled An Act amending Chapter 71-969, Laws of Florida, relating to the City of Winter Park,

Orange County; which granted the city the power to extend the corporate territorial limits of said city; set forth the procedure and provided for de-annexation powers; granted the city the power to annex when the territorial boundaries of the city abut or adjoin a parcel of land not within the territorial boundaries on any four (4) sides of such land; by deleting Section 1.1 from said Act which provided the city the power to extend its corporate limits by ordinance without referendum; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4199.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative P. Thomas—

HB 4200—A bill to be entitled An act relating to Franklin County; authorizing the board of county commissioners to appropriate and pay certain sums of money from the county general fund to the chambers of commerce of Apalachicola and Carrabelle for promotional purposes; repealing chapter 67-1398, Laws of Florida, relating to the same subject; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4200.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Grosse—

HB 4201—A bill to be entitled An act relating to Nassau County; amending §1(1), chapter 65-733, Laws of Florida, increasing from twenty thousand dollars (\$20,000) to thirty thousand dollars (\$30,000) the race track moneys to be paid to the Nassau County recreation commission; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4201.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representatives Mooney and Fechtel—

HB 4211—A bill to be entitled An act relating to Seminole County local government; expressing the intent, scope, and purpose of the act; defining certain terms; requiring the county, municipalities, and other units of local government in Seminole County to prepare and adopt comprehensive plans to guide future development in the manner set out in this act; requiring the establishment of local land planning agencies; requiring local planning agencies to have responsibility for preparation of comprehensive plans and to recommend such plans to governing bodies; establishing required and optional elements of a comprehensive plan; requiring public participation in the planning process; providing procedures and setting out the role of the governing body for adoption and amendment of adopted comprehensive plans; requiring periodic evaluation and appraisal of adopted comprehensive plans; establishing the legal status and effect of adopted comprehensive plans and for the status and effect of prior adopted comprehensive plans; relating adopted comprehensive plans to exercise of land regulatory authority; providing for the status of adopted comprehensive plans in judicial proceedings; providing for the adoption of land development regulations by local governments; allowing consideration of economic impact of developments and timing of development; providing a severability clause; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4211.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Fortune and others—

HB 4213—A bill to be entitled An act relating to Walton County; amending §2 of chapter 13528, Laws of Florida, 1927, as amended by chapter 65-2368, Laws of Florida, to provide for appointment of trustees of the county hospital board of

trustees by the county commissioners rather than by the governor; providing for a referendum.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representatives Richmond and Culbreath—

HB 4227—A bill to be entitled An act relating to the City of New Port Richey, Pasco County; amending chapter 21419, Laws of Florida, 1941, as superseded by section 1 of chapter 67-1752, Laws of Florida; providing for the redesignation and redescription of the boundaries of said municipality; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4227.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Rude and others—

HB 3983—A bill to be entitled An act, relating to Broward County amending Sections of Chapter 71-575, Laws of Florida, Special Acts of 1971; as amended by Chapter 72-482, Laws of Florida, Special Acts of 1972; as amended by Chapter 72-485, Laws of Florida, Special Acts of 1972; as amended by Chapter 73-427, Laws of Florida, Special Acts of 1973; and amending sections of the South Florida Building Code as enacted by Chapter 71-575 and amended by Chapter 72-485 and Chapter 72-482; amending Section 2(a) of Chapter 71-575 providing that the South Florida Building Code shall be applicable to all public or private schools notwithstanding the provisions of the Florida Education Finance Act of 1973; adding Section 3(b) of Chapter 71-575 providing that inspection of all school facilities shall be based on the minimum standards of the South Florida Building Code as applicable to Broward County, notwithstanding Section 8(4) of the Florida Education Finance Act of 1973; amending Section 203 of the South Florida Building Code providing that the membership of the Board of Rules and Appeals shall consist of 26 members; amending Section 203.1 of the Code to provide for staggered terms of office for the membership; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 3983.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Grosse—

HB 4226—A bill to be entitled An act relating to Nassau County; amending §1 of chapter 73-562, Laws of Florida, changing the date for the election of members to the Amelia Island Mosquito Control District from the general election in 1976 to the general election in 1974; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4226.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Hodes and others—

HB 4224—A bill to be entitled An act relating to Hillsborough County, hospital and welfare board; amending section 7 of chapter 63-1402, Laws of Florida, as amended, providing for an additional one half (½) mill per annum for the fiscal year ending September 30, 1975, on all taxable property in the county; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4224.

—was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed HB 3966 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary—

HB 3966—A bill to be entitled An act relating to county courts; amending §34.022 (3) and (16), Florida Statutes; providing two additional county court judgeships; providing an effective date.

—was read the first time by title and placed on the calendar.

The Honorable Mallory E. Horne, President

May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended—

CS for HB 4047	HB 4214	HB 4193
HB 4194	HB 4152	HB 2909
CS for HB 4166	HB 4217	HB 4225
HB 4195	HB 4210	HB 4198

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Community Affairs and Representatives Fechtel and Mooney—

CS for HB 4047—A bill to be entitled An act relating to transportation; creating sections 348.95, 348.951, 348.952, 348.953, 348.954, 348.955, 348.956, 348.957, 348.958, 348.959, 348.96, 348.961, 348.962, and 348.963, Florida Statutes, to provide for the creation of a Seminole County expressway authority; setting forth the powers, duties, and responsibilities of the authority; providing purposes and powers for the authority; providing for the issuance of bonds in accordance with the state bond act; providing for lease-purchase agreements with the department of transportation; providing that the department of transportation may be appointed an agent of the authority for purposes of construction; providing for the acquisition of lands and property; providing a covenant not to alter the rights vested in the authority and the department until all outstanding bonds are fully paid and discharged; providing for exemption of the authority from taxation; providing eligibility of authority obligations for investment of public funds; providing for enforcement of pledges by bondholders; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Peaden—

HB 4214—A bill to be entitled An act relating to Escambia County; amending chapter 69-1049, Laws of Florida, as amended; creating a governmental executive board; providing definitions; providing for membership of the board; providing powers of the board; providing for cooperation with other units of government; providing for appropriations and special funds; providing for the issuance of bonds, notes or certificates; providing for investment of funds in bonds or revenue certificates; providing for a governmental building area; providing that ad valorem taxes be used only if approved by vote of the electors; placing certain questions on the ballot; providing for severability; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4214.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representatives Poorbaugh and Nergard—

HB 4193—A bill to be entitled An act relating to Martin County; providing a limitation on the method of fixing millage; providing that the county, school board, municipalities, and taxing districts shall decrease the millage required of said county, school board, municipalities, and taxing districts in proportion to the increase of the general level of assessed valuation of property; limiting increase in millage; providing further limitation for emergencies; providing for verification of budgets and millage increases; providing for publication of notice of intended tax increase; specifying millages to be excluded from the reductions required by this act; requiring local taxing authorities to maintain millage necessary to participate in state funding programs; providing for a referendum; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representatives Nergard and Clem—

HB 4194—A bill to be entitled An act relating to St. Lucie County; providing a limitation on the method of fixing millage; providing that the county, school board, municipalities, and taxing districts shall decrease the millage required of said county, school board, municipalities, and taxing districts in proportion to the increase of the general level of assessed valuation of property; limiting increase in millage; providing further limitation for emergencies; providing for verification of budgets and millage increases; providing for publication of notice of intended tax increase; specifying millages to be excluded from the reductions required by this act; requiring local taxing authorities to maintain millage necessary to participate in state funding programs; providing for a referendum; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Peaden—

HB 4152—A bill to be entitled An act for the relief of Leslie D. Brock for injuries received in the course of his duties as a deputy sheriff of Escambia County; authorizing and directing the board of county commissioners and the comptroller of Escambia County to provide Leslie D. Brock and his wife a certain sum to compensate him for his losses; providing alternative methods of payment; authorizing and directing the board to provide for the payment of such compensation in future budgets; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4152.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Richmond—

HB 2909—A bill to be entitled An act relating to Pasco County alcoholic beverage licenses; exempting certain golf courses in Pasco County from the provisions of §561.20(2)(a), Florida Statutes, with respect to requirements for the issuance of certain vendor's alcoholic beverage licenses; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 2909.

—was read the first time by title and referred to the Committee on Commerce.

By the Committee on Community Affairs and Representatives Rude and McPherson—

CS for HB 4166—A bill to be entitled An act relating to Broward County, authorizing the board of county commissioners of Broward County to regulate the disposal of solid wastes, within Broward County except in municipalities that have solid waste disposal treatment plants, and authority to prohibit certain methods of solid waste disposal under some circumstances; providing certain definitions; requiring permits for dumping, incineration and disposal of solid waste matter within Broward County; declaring penalties for violation, and providing for abatement of nuisances; containing savings provision as to outstanding contractual obligations; providing that all other conflicting laws are repealed to the extent of the conflict; and providing for an effective date.

Evidence of notice and publication was established by the Senate as to CS for HB 4166.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Tubbs and others—

HB 4217—A bill to be entitled An act providing for the continuation and maintenance of a county law library in Brevard County, called the A. Max Brewer Memorial Law Library, for

the use of the Judges, attorneys and officers of the courts and general public of said county, and of county officials; declaring the establishment and maintenance of said library to be a public need; providing for a board of trustees to operate said law library and authorizing said board of trustees to prescribe and enforce rules and regulations as to said library; the expenditure of said funds in said library; and providing that any property acquired by said library by purchase, donation or otherwise be deemed to be held and used as a charitable public trust; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4217.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Fortune and others—

HB 4225—A bill to be entitled An act relating to Escambia County, Florida; establishing a merit system of personnel administration for the civil service of the county; providing for a governing board; providing powers and authorities; providing appropriations by county; repealing chapters 67-1370, 71-628, 72-534, 72-536, 72-538, 73-463, Laws of Florida, which presently relate to the Escambia County civil service board; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4225.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Clem—

HB 4195—A bill to be entitled An act relating to Indian River County; providing a limitation on the method of fixing millage; providing that the county, school board, municipalities, and taxing districts shall decrease the millage required of said county, school board, municipalities, and taxing districts in proportion to the increase of the general level of assessed valuation of property; limiting increase in millage; providing further limitation for emergencies; providing for verification of budgets and millage increases; providing for publication of notice of intended tax increase; specifying millages to be excluded from the reductions required by this act; requiring local taxing authorities to maintain millage necessary to participate in state funding programs; providing for referendum; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Poorbaugh—

HB 4210—A bill to be entitled An Act relating to the Village of Tequesta, Florida, created by Chapter 57-1915, Laws of Florida, Special Acts of 1957, the above being amended in its entirety by a new Charter passed by referendum on January 11, 1972, and the filing of a certified copy with the Secretary of State on February 1, 1972, to redefine the territorial boundaries of the Village of Tequesta, Florida, set forth in Article 1, Section 1.01 of the above Amendment in order to include additional territory; and providing for an effective date.

Evidence of notice and publication was established by the Senate as to HB 4210.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative W. D. Gorman and others—

HB 4198—A bill to be entitled An act relating to Orange County; repealing chapter 31069, Laws of Florida, 1955, relating to bidding requirements of the board of public instruction of Orange County, which act prescribes the cost of authorized purchases, by the board, on which bids shall be requested, and which act provides that §237.02(2), Florida Statutes, shall no longer apply to Orange County or the district school board of Orange County, but in lieu thereof, the general laws of the state shall control.

Evidence of notice and publication was established by the Senate as to HB 4198.

—was read the first time by title and referred to the Committee on Rules and Calendar.

On motion by Senator Wilson, CS for HB 4047 was withdrawn from the Committee on Rules and Calendar by two-thirds vote and placed on the local calendar.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Sayler and others—

SB 1101—A bill to be entitled An Act relating to Pinellas County; providing for ordinances relating to the control of all dogs, cats and other domesticated animals; providing that all special acts relating to dogs, cats and other domesticated animals shall become county ordinances; prohibiting the enactment of conflicting city ordinances; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1 in title, line 11, after the semi-colon insert the following: amending §8, chapter 67-1925, Laws of Florida, relating to impoundment procedures for animals and notification of owners; requiring notice by registered mail to owner; requiring impounding agents to obtain a warrant to remove an animal from the property of the owner without the owner's consent; providing an exception for cases of threat to health and safety of others; providing for disposition of animal; requiring the maintenance of a central registry by the impounding agency;

Amendment 2—On page 1, line 21, after "acts" insert the following: , including section 4 of this act,

Amendment 3—On page 1, line 29, insert the following: Section 4 Section 8 of chapter 67-1925, Laws of Florida, is amended to read: Section 8. Impounding, notification of owners and registry of dogs and animals.

(1) When dogs or other animals are impounded by the shelter master, impounding agency, or agent thereof, for reasons other than observation for rabies, the animal shall be held for at least six (6) days during which time the owner shall be notified by registered mail and if possible, by telephone; provided, however, that except when impounded for observation of rabies and when in the judgment of the impounding agent the animal poses an imminent threat to the health and safety of others, no animal shall be impounded from the property of the owner without the owner's consent except by a warrant issued by the county court upon a showing of probable cause that the animal has violated a provision of chapters 67-1925, Laws of Florida, as amended.

(2) When a dog or other animal has been impounded for observation of rabies, the animal shall be impounded for ten (10) days during which time the owner shall be notified by registered mail and, if possible, by telephone.

(3) If after six (6) days, or ten (10) days for observation of rabies, during which time a diligent but unsuccessful attempt has been made to locate and contact the owner, the animal may be disposed of as set out in §9 of this act. A registry shall be maintained by the impounding agency wherein shall be entered the breed, color and markings, sex and any other distinguishing characteristics of each dog or animal impounded. The location and date and reason of each pickup shall also be recorded.

Renumber subsequent section

On motions by Senator Sayler, the Senate concurred in House amendments 1, 2 and 3 to SB 1101.

SB 1101 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—29

Mr. President	Graham	Pettigrew	Vogt
Brantley	Gruber	Plante	Ware
Childers	Henderson	Poston	Weber
Deeb	Johnson	Sayler	Wilson
de la Parte	Lane (23rd)	Scarborough	Winn
Firestone	Lewis	Sims	
Gillespie	McClain	Stolzenburg	
Glisson	Peterson	Sykes	

Nays—None

By unanimous consent Senators Johnston, Myers and Smathers were recorded as voting yea.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Horne—

SB 873—A bill to be entitled An act relating to industrial relations commissioners; amending §§20.17(7) and 440.441, Florida Statutes, 1972 Supplement, providing that industrial relations commissioners have the same qualifications, salaries, and retirement benefits as judges of the district courts of appeal; providing an exception as to qualifications; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, between lines 16 and 17, insert: Section 3. Subsection (3) of section 440.45, Florida Statutes, 1971, is amended to read:

440.45 Judges of industrial claims; delegation of authority.—

(3) Each full-time judge of industrial claims shall receive a salary of *four thousand dollars (\$4,000) less per year than that paid to a full-time industrial relations commissioner* ~~twenty-two thousand five hundred dollars per year~~, payable out of the fund established in §440.50.

renumber subsequent section accordingly

Amendment 2—On page 1 in title, line 10, after the semi-colon insert: amending §440.45(3), Florida Statutes, establishing the salary of judges of industrial claims;

Amendment 3—On page 1 in title, lines 4 and 5, strike "commissioners"

Amendment 4—On page 2, line 10, strike after the period all of line 10 through and including line 16

On motions by Senator Horne, the Senate concurred in House amendments 1, 2, 3 and 4 to SB 873.

SB 873 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—30

Mr. President	Graham	Peterson	Trask
Brantley	Gruber	Pettigrew	Vogt
Childers	Henderson	Plante	Ware
de la Parte	Johnson	Poston	Weber
Firestone	Lane (23rd)	Scarborough	Wilson
Gillespie	Lewis	Sims	Winn
Glisson	McClain	Stolzenburg	
Gordon	Myers	Sykes	

Nays—None

By unanimous consent Senators Smathers and Johnston were recorded as voting yea.

The Honorable Mallory E. Horne, President

May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Commerce—

CS for SB 579—A bill to be entitled An act relating to the insurance code; creating §627.4235, Florida Statutes; prohibiting the use of any provision in a group disability insurance policy, a group hospital, medical or surgical service plan, or a group-type self insurance plan providing protection, insurance or indemnity against hospital, medical or surgical expenses, whereby benefits payable under the policy or plan may be reduced or refused on the grounds that the insured is eligible to receive benefits under a disability insurance policy issued by another insurer or whereby such benefits under a group disability, group service plan or a group-type self insurance plan may be below one hundred percent of total allowable benefits and expenses provided under such policies and plans; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 2—On page 2, lines 7 and 19, after the word “by” insert the following: the same or

Amendment 3—On page 2, lines 25 and 26, strike “allowable benefits and expenses provided under these policies and plans.” and insert: allowable expenses actually incurred.

On motions by Senator Brantley, the Senate concurred in House amendments 2 and 3 to CS for SB 579.

CS for SB 579 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—31

Mr. President	Graham	Peterson	Trask
Brantley	Gruber	Pettigrew	Vogt
Childers	Henderson	Plante	Ware
de la Parte	Johnson	Poston	Weber
Firestone	Lane (23rd)	Sims	Wilson
Gillespie	Lewis	Smathers	Winn
Glisson	McClain	Stolzenburg	Zinkil
Gordon	Myers	Sykes	

Nays—None

By unanimous consent Senator Johnston was recorded as voting yea.

The Honorable Mallory E. Horne, President

May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Criminal Justice—

CS for SB 959—A bill to be entitled An act relating to involuntary sexual battery; repealing present Chapters 794, and 800, Florida Statutes, except sections 794.05, 800.02, 800.03 and 800.04; creating Chapter 794, Florida Statutes; providing definitions; establishing degrees of involuntary sexual battery; providing penalties; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, lines 18—19, strike all of lines 18 through 19 and insert: (2) The common law rule “that a boy under fourteen (14) years of age is conclusively presumed to be incapable of committing the crime of rape” shall not be in force in this state.

Amendment 2—On page 5, line 9, strike the word “third” and insert: second

On motions by Senator Wilson, the Senate concurred in House amendments 1 and 2 to CS for SB 959.

CS for SB 959 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—31

Mr. President	Gruber	Pettigrew	Trask
Brantley	Henderson	Plante	Vogt
Childers	Johnson	Poston	Ware
de la Parte	Lane (23rd)	Sayler	Williams
Firestone	Lewis	Sims	Wilson
Gillespie	McClain	Smathers	Winn
Glisson	Myers	Stolzenburg	Zinkil
Graham	Peterson	Sykes	

Nays—None

By unanimous consent Senator Johnston was recorded as voting yea.

The Honorable Mallory E. Horne, President

May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Lane (23rd) and others—

SB 825—A bill to be entitled An act relating to the Tampa-Hillsborough County Expressway Authority; amending subsection (2) of Section 348.52, Florida Statutes; to provide for reconstitution of the governing body of the authority; to establish applicable terms of office; to provide for the filling of vacancies; to provide for the removal from office for cause; to require an oath of office; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, lines 1, 2, 4, and 5, strike “October 1” and insert: July 1

Amendment 2—On page 1, line 22, strike “four(4)” and insert: Three (3)

Amendment 3—On page 2, line 28, after the period insert: (e) One (1) member shall be the troop “C” commander of the Florida Highway Patrol, who shall serve ex officio.

On motion by Senator Lane (23rd), the Senate concurred in House amendment 1 to SB 825.

On motions by Senator Lane (23rd), the Senate refused to concur in Amendments 2 and 3 to SB 825 and requested the House to recede therefrom.

SB 825 passed as amended and was certified to the House. The vote was:

Yeas—33

Brantley	Henderson	Poston	Ware
Childers	Johnson	Saunders	Weber
de la Parte	Lane (23rd)	Sayler	Williams
Firestone	Lewis	Sims	Wilson
Gallen	McClain	Smathers	Winn
Gillespie	Myers	Stolzenburg	Zinkil
Glisson	Peterson	Sykes	
Graham	Pettigrew	Trask	
Gruber	Plante	Vogt	

Nays—None

The Honorable Mallory E. Horne, President

May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Ware—

SB 788—A bill to be entitled An act creating and establishing the St. Petersburg Arts Commission for the purpose of developing, coordinating and promoting the performing and visual arts, declaring said purpose to be a public purpose; providing for the method and manner of the appointment of and terms of its membership; providing for its powers, functions, privileges, duties, and responsibilities; providing for sources of revenues; providing for the issuance by the arts commission of revenue bonds and refunding bonds to carry out the purposes of this act and for the rights and remedies of bondholders; providing for the preparation of an annual budget by the arts commission; providing for the transfer of the powers, functions, duties, responsibilities and obligations and properties of the arts commission to any government consolidating the city of St. Petersburg and Pinellas County; and providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 14, line 18, strike the period (.) and insert the following: ; provided however, that any interest, income or profits on debt obligations issued hereunder shall not be exempt from the tax imposed by chapter 220, F.S.; and any property to which provisions of this act apply, which is leased to a non-governmental lessee, shall be exempt from ad valorem taxation only when and to the extent that the lessee serves or performs a governmental, municipal, or public purpose or function as defined in §196.012(5), F.S.

Amendment 2—On page 18, line 31, strike “free holders” and insert the following: qualified electors

Amendment 3—On pages 3, 4 and 5, line 25, strike on page 3 all of lines 25—31; on page 4, lines 1—31 and page 5, line 1 and on line 2 through the period and insert; page 3, line 25 (b) The Arts Commission membership shall consist of non-paid residents of Pinellas County, Florida, appointed for a term of four (4) years by the mayor of the City of Saint Petersburg, Florida, with the advice and consent of the city council of the City of Saint Petersburg, Florida.

On motions by Senator Ware, the Senate concurred in House amendments 1, 2 and 3 to SB 788.

SB 788 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—29

Mr. President	Gruber	Poston	Weber
Brantley	Henderson	Sims	Williams
Childers	Johnson	Smathers	Wilson
de la Parte	Lewis	Stolzenburg	Winn
Firestone	Myers	Sykes	Zinkil
Gillespie	Peterson	Trask	
Glisson	Pettigrew	Vogt	
Graham	Plante	Ware	

Nays—1

Sayler

By unanimous consent Senators McClain and Johnston were recorded as voting yea.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By Senator Firestone—

SB 81—A bill to be entitled An act relating to the Florida retirement system; amending §§121.071(1) and 121.091(1)(a), Florida Statutes; providing an increase in contributions and the retirement benefit for special risk members; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 18, strike “8” and insert: 10

On motion by Senator Firestone, the Senate refused to concur in the House amendment to SB 81, and the House was requested to recede therefrom. The action of the Senate was certified to the House.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Firestone—

SB 255—A bill to be entitled An act relating to per diem and travel expenses; amending §112.061(5)(a), (6), (10)(a), and (12), Florida Statutes, 1972 Supplement; providing for computation of travel time for reimbursement, rates of per diem and subsistence allowance, travel to a convention or conference, rules and regulations, travel voucher forms, and travel authorization forms; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, lines 1 & 2, strike “per diem for each quarter,” and insert the following: per diem or other allowance for each quarter,

Amendment 2—On page 2, line 3, after period insert the following: Class A and B travel shall include any assignment on official business outside of regular office hours and away from regular places of employment where it is considered reasonable and necessary, to stay overnight and for which travel expenses are approved.

Amendment 3—On page 2, after Section 5a insert the following: (b) A traveler shall not be reimbursed on a per diem basis for Class C travel, but shall receive subsistence as provided in this section, which allowance for meals shall be based on the following schedule:

1. Breakfast—When travel begins before 6:00 a.m. and extends beyond 8:00 a.m.

2. Lunch—When travel begins before 12:00 noon and extends beyond 2:00 p.m.

3. Dinner—When travel begins before 6:00 p.m. and extends beyond 8:00 p.m., or when travel occurs during nighttime hours due to special assignment.

No allowance shall be made for meals when travel is confined to city or town of the official headquarters or immediate vicinity, except assignments of official business outside of the traveler's regular place of employment if travel expenses are approved.

Amendment 4—On page 3, lines 22—30, strike all of paragraph (b) and insert: (b) Each state agency shall promulgate such additional specific rules and regulations and specific criteria to be used by a state agency to predetermine justification for attendance by state officers, employees, and authorized persons at conventions and conferences, not in conflict with the rules and regulations of the department or with the general criteria to be used by a state agency to predetermine justification for attendance by state officers, employees, and authorized persons at conventions, as may be necessary to effectuate the purposes of this section. Such rules and regulations and criteria shall be filed with the department and shall be recorded in the official minutes of the promulgating agency or maintained in a special file in the main office of the agency.

On motions by Senator Firestone, the Senate concurred in House amendments 1, 2, 3 and 4 to SB 255.

SB 255 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—33

Mr. President	Gruber	Pettigrew	Vogt
Brantley	Henderson	Plante	Ware
Childers	Johnson	Poston	Weber
Deeb	Lane (31st)	Saunders	Williams
de la Parte	Lane (23rd)	Scarborough	Winn
Firestone	Lewis	Sims	Zinkil
Gillespie	McClain	Smathers	
Glisson	Myers	Stolzenburg	
Graham	Peterson	Sykes	

Nays—None

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Vogt—

SB 358—A bill to be entitled An act relating to environmental control; adding subsection (6) to §403.051, Florida Statutes, 1973, relating to the department of pollution control; exempting from department regulation, or enforcement of any rule pertaining to, the planning, design, construction, modification or operation of certain types of sewerage treatment systems until standards, criteria, and requirements for such facilities are adopted in accordance with §403.051, Florida Statutes; declaring any such previously enforced rules not so adopted to be null and void and unenforceable; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 24—29, strike lines 24—29; on page 2 strike all of lines 1—16, renumber Section 3 to Section 2 and insert: 6(a) Any planning, design, construction, modification or operating standards, criteria, and requirements for treatment works, disposal systems, and sewerage systems, of the department for wastes from any source shall be promulgated as a rule or regulation pursuant to the requirements and procedures of chapter 120, Florida Statutes.

(b) The department shall not withhold the issuance of a permit to consider matters not addressed by the permit application, or to consider standards, criteria and requirements not adopted as required by paragraph (a) of this subsection.

Amendment 2—On page 1, in title, lines 3—16, strike 3—16 and insert the following: A bill to be entitled An act relating to environmental control; adding new subsection (6) to section 403.051, Florida Statutes; requiring the department of pollution control to adopt rules for the planning, design, construction, modification or operating standards, criteria and requirements for treatment works; relating to the issuance of permits for treatment works; providing an effective date.

On motions by Senator Vogt, the Senate concurred in House amendments 1 and 2 to SB 358.

SB 358 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—31

Brantley	Gruber	Pettigrew	Sykes
Childers	Henderson	Plante	Vogt
Deeb	Johnson	Poston	Ware
de la Parte	Lane (31st)	Saunders	Weber
Firestone	Lane (23rd)	Scarborough	Williams
Gillespie	Lewis	Sims	Winn
Glisson	Myers	Smathers	Zinkil
Graham	Peterson	Stolzenburg	

Nays—None

By unanimous consent Senators Johnston and McClain were recorded as voting yea.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senators McClain and Lane (23rd)—

SB 63—A bill to be entitled An act relating to emergency medical services; amending section 13(4) of Chapter 73-126, Laws of Florida, providing an exemption from the provisions of section 7 for certain non-profit volunteer emergency squads serving areas having less than 15,000 persons; creating section 13(5) of Chapter 73-126, Laws of Florida, exempting the operation of vehicles by funeral directors for certain purposes from the Florida emergency medical services act of 1973; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 18—29, page 2, lines 1—17, strike everything after the enacting clause and insert: Section 1. Subsection (2) of section 401.33, Florida Statutes, is amended to read:

401.33 Exemptions.—

(2) *Volunteer personnel operating* Any ambulance owned and operated by a volunteer emergency squad chartered by the state as a corporation not for profit prior to October 1, 1973, shall be exempt from the provisions of §401.27, ~~except that such ambulances shall be manned by one (1) attendant who is certified as an emergency medical technician in compliance with §401.27, provided the competence of the volunteers is certified~~ to by two (2) physicians licensed by chapters 458 or 459, Florida Statutes, practicing in the county in which the volunteer squad operates and the volunteer squad serves an area defined by the department having a population not in excess of 5,000 persons. The department shall define with geographic certainty the boundaries of service for the area served by such volunteer squads. The exemption provided by subsection 2 of section 401.33, Florida Statutes, shall expire January 1, 1976.

Section 2. This act shall take effect July 1, 1974.

House Amendment 1 to Amendment 1—On page 2, line 1, after the period insert: Section 2. Section 401.34, Florida Statutes, is amended to read: Section 401.34 Fees.—Every organization and person subject to the provisions of this act shall pay to the department the following fees:

(a) Original license	\$30
(b) Renewal of an original license	\$15
(c) Original vehicle permit	\$15
(d) Renewal of an original vehicle permit	\$10
(e) Original certificate	\$15
(f) Renewal of an original certificate	\$10

In lieu of the charges for individual certification set forth in (e) and (f) any volunteer emergency squad chartered by the state as a corporation not for profit may pay the department under the following schedule which shall entitle the individual to certification as provided in (e) and (f) without further charge:

0 to 24 persons	\$100
25 to 49 persons	\$125
50 to 74 persons	\$175
75 to 99 persons	\$250
100 to 124 persons	\$350
125 to 149 persons	\$475
150 persons	\$500

(2) Fees charged under this section shall be used toward the administration of this act.

(Renumber subsequent sections)

Amendment 2—On page 1, lines 5—14, strike lines 5—14 and insert: amending §401.33, Florida Statutes, providing an exemption from the provisions of §401.27 for certain non-profit volunteer emergency squads serving areas having less than 5,000 persons until January 1, 1976; requiring the department to determine the boundaries of the areas; providing an effective date.

Amendment 3—On page 1, after "areas;" insert amending Chapter 401.34 Florida Statutes, providing for payment schedule for certification of voluntary ambulance squad members;

Amendment 4—On page 1, line 6 after "1973"; insert: *or a volunteer emergency squad operated by county commissions which shall be approved by the department as to suitability and need to serve areas having a population not in excess of 5,000 persons*

On motions by Senator McClain, the Senate concurred in House amendment 1 as amended and House amendments 2, 3 and 4 to SB 63.

SB 63 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—29

Brantley	Henderson	Pettigrew	Vogt
Childers	Johnson	Plante	Weber
de la Parte	Lane (31st)	Poston	Williams
Firestone	Lane (23rd)	Scarborough	Winn
Gillespie	Lewis	Sims	Zinkil
Glisson	McClain	Smathers	
Graham	Myers	Stolzenburg	
Gruber	Peterson	Sykes	

Nays—None

By unanimous consent Senator Johnston was recorded as voting yea.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By Senator Gillespie—

SB 267—A bill to be entitled An act relating to uniform traffic control; amending §316.184, Florida Statutes, 1971, as amended, to require the department of transportation to develop a uniform system of traffic and pedestrian control devices around school zones in the state and to publish and distribute a manual concerning said devices and regulations to every county and municipality in the state; providing that school zones shall be maintained by the governmental authority which controls the area in which the school zone is located; providing the department of transportation may enter into agreements whereby counties or municipalities would maintain specified school zones; providing for the periodic inspection of school zones; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—Strike everything after the enacting clause and insert the following: Section 1. New subsections (1), (2) and (3) are added to section 316.184, Florida Statutes, 1971, as amended by chapter 73-161, Laws of Florida, and present subsections (1), (2), (3), (4), and (5) thereof are renumbered (4), (5), (6), (7) and (8), respectively, to read:

316.184 Establishment of school speed zones, enforcement; designation.—

(1)(a) *The department of transportation, pursuant to the authority granted under §316.181, shall adopt a uniform system of traffic control devices and pedestrian control devices for use on the streets and highways in the state surrounding all schools, public and private.*

(b) *The department of transportation shall compile, publish, and transmit a manual containing all specifications and requirements with respect to the system of devices established pursuant to paragraph (a) to the governing body of each county and municipality in the state, and the department of transportation and each county and municipality in the state shall install and maintain such traffic and pedestrian control devices in conformity with such uniform system.*

(2) (a) *A school zone located on a state maintained primary or secondary road shall be maintained by the department of transportation. Nothing herein shall prohibit the department of transportation from entering into agreements with counties or municipalities whereby the local governmental entities would maintain specified school zones on state maintained primary or secondary roads.*

(b) *The county shall have the responsibility to maintain a school zone located outside of any municipality and on a county road.*

(c) *A municipality shall have the responsibility to maintain a school zone located in a municipality.*

(d) *For the purposes of this section, the term "maintained" with respect to any school zone means the care and maintenance of all school zone signs, markers, traffic control devices, and pedestrian control devices.*

(3) (a) *A school zone maintained by a county shall be periodically inspected by the county sheriff's office or any other qualified agent to determine whether or not the school zone is being properly maintained.*

(b) *A school zone maintained by a municipality shall be periodically inspected by the municipal police department or any other qualified agent to determine whether or not the school zone is being properly maintained.*

(4) (4) *No school zone speed limit shall be less than fifteen miles per hour, except by local regulation. Such speed limit shall be in force only during those times thirty minutes before and thirty minutes after the times necessary and corresponding to the periods of time when pupils are arriving at and leaving regularly scheduled school sessions.*

(5) (2) *Permanent signs designating school zones and school zone speed limits shall be uniform in size and color, and shall have the times during which the restrictive speed limit is enforced clearly designated thereon. The department of transportation shall establish adequate standards for the signs.*

(6) (3) *Portable signs designating school zones and school zone speed limits shall be uniform in size and color. Such signs shall be erected on the roadway only during those hours when pupils are arriving at and leaving regularly scheduled school sessions. The department of transportation shall establish adequate standards for the signs.*

(7) (4) *Nothing herein shall prohibit the use of automatic traffic control devices for the control of vehicular and pedestrian traffic at school crossings in lieu of permanent or portable school zone signs. The department of transportation shall establish standards for automatic flashing signals.*

(8) (5) *No person shall drive a vehicle on a roadway designated as a school zone at a speed greater than posted in the school zone in accordance with this section. Violation of the speed limits established pursuant to this section shall be punishable as provided in §316.026.*

Section 2. This act shall take effect July 1, 1974.

On motion by Senator Gillespie, the Senate concurred in the House amendment to SB 267.

SB 267 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—28

Brantley	Graham	Myers	Stolzenburg
Childers	Gruber	Peterson	Vogt
Deeb	Henderson	Plante	Weber
de la Parte	Lane (31st)	Poston	Williams
Firestone	Lane (23rd)	Saylor	Wilson
Gillespie	Lewis	Scarborough	Winn
Gordon	McClain	Smathers	Zinkil

Nays—None

By unanimous consent Senator Johnston was recorded as voting yea.

The Honorable Mallory E. Horne, President May 29, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Criminal Justice—

CS for SB 974—A bill to be entitled An act relating to jurors; amending §921.141(1), Florida Statutes, providing for second jury or special juror at sentencing proceeding; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment (1)—On page 2, line 15, strike line 15 and insert:

Section 2. Section 40.271, Florida Statutes, is created to read:

40.271 Jury Service.—

(1) No person summoned to serve on any grand or petit jury in this state or accepted to serve on any grand or petit jury in this state shall be dismissed from employment for any cause because of the nature or length of service upon such jury.

(2) Any violation of this section may be brought in the courts of this state in a civil action by the individual who has been dismissed, and said individual shall be entitled to collect not only compensatory damages, but in addition thereto, punitive damages and reasonable attorney fees for violation of this act.

Section 3. Section 917.14(1), Florida Statutes, 1973, is amended to read:

917.14 Certifying defendant for hearing.—

(1) The court may ~~adjourn the trial or~~ suspend the sentence and certify a defendant for a hearing and examination in the circuit court to determine whether the person is a mentally disordered sex offender if:

(a) The person ~~is has been charged with a non-capital crime or has been convicted of a felony or misdemeanor for which he is currently being prosecuted any crime~~, whether or not the crime is a sex offense;

(b) There is probable cause to believe that the person is a mentally disordered sex offender; and

(c) The mental disorder has existed for at least the immediately preceding four months.

Section 4. Section 917.23, Florida Statutes, 1973, is hereby repealed.

Section 5. Section 550.181(1), Florida Statutes, is amended to read:

550.181 Certain persons prohibited from holding racing permits; suspension or revocation of permits.—

(1) On and after the first day of July, 1952, no person who shall have been convicted of a felony in ~~this the~~ state, or under the laws of any other state, or of the federal government or other country of an offense which is a felony or would be a felony if committed within this state, or who shall have been convicted of bookmaking in ~~this the~~ state or elsewhere, or who is commonly known as a bookmaker and bears the general reputation of being a bookmaker, or who knowingly associates regularly with persons commonly known as bookmakers or criminals shall hold any horse or dog racing permit or jai alai fronton permit in the state, or be a member of any association which holds such permit, or be an officer or director of any corporation which holds such a permit, or be an employee of the holder of any such permit in any capacity connected to any extent with the racing business or jai alai fronton business in the state.

Section 6. This act shall take effect October 1, 1974.

Amendment (2)—On page 1 in title, line 6, insert after the semicolon: prohibiting the dismissal from employment because of jury service; providing a civil action, compensatory and punitive damages; providing attorney fees; providing for

mentally disordered classification after conviction; amending §550.181(1), Florida Statutes, 1973, prohibiting certain persons from holding racing permits;

Amendment (3)—On page 1, line 24, strike "impanel a second jury or"

On motions by Senator McClain, the Senate concurred in House amendments 1, 2 and 3 to CS for SB 974.

CS for SB 974 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—28

Brantley	Glisson	Lewis	Stolzenburg
Childers	Graham	McClain	Sykes
Deeb	Gruber	Myers	Trask
de la Parte	Henderson	Plante	Vogt
Firestone	Johnson	Poston	Weber
Gallen	Lane (31st)	Sayler	Winn
Gillespie	Lane (23rd)	Smathers	Zinkil

Nays—1

Gordon

By unanimous consent Senators Johnston and Peterson were recorded as voting yea.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed—

SB 1093	SB 981	SB 797
SB 1068	CS for SB 588	SB 1116
SB 1114	SB 1115	SB 721
SB 1012	SB 227	SB 716
CS for SB 973	SB 889	SB 828
SB 1120	SB 459	SB 139
SB 263	SB 314	
SB 134	SB 694	

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has adopted—

SCR 669	SCR 337	SCR 625
SM 1111	SCR 760	SCR 814

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By Senators Brantley and Williams—

SB 962—A bill to be entitled An act relating to the department of business regulations; amending section 20.16(4), Florida Statutes, to provide that division directors shall be appointed by the executive director of the department, subject to confirmation by the board of business regulation, and shall serve at the pleasure of the executive director of the department, providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 24, strike "subject to confirmation by the senate." and insert: subject to confirmation by the Board of Business Regulation.

On motion by Senator Brantley, the Senate refused to concur in the House amendment to SB 962, and the House was requested to recede therefrom. The action, with the bill and amendment, was certified to the House.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has adopted with amendment—

By Senator Gillespie and others—

SCR 143—A concurrent resolution in Memoriam Ernest William Gautier.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 2, strike "B." and insert: W.

On motion by Senator Gillespie, the Senate concurred in the House amendment to SCR 143.

SCR 143 as amended was adopted and ordered engrossed, and the action of the Senate was certified to the House. The vote was:

Yeas—30

Brantley	Gordon	McClain	Sykes
Childers	Graham	Myers	Trask
Deeb	Gruber	Plante	Vogt
de la Parte	Henderson	Poston	Weber
Firestone	Johnson	Sayler	Winn
Gallen	Lane (31st)	Sims	Zinkil
Gillespie	Lane (23rd)	Smathers	
Glisson	Lewis	Stolzenburg	

Nays—None

By unanimous consent Senators Peterson and Johnston were recorded as voting yea.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By Senator Gillespie—

SB 158—A bill to be entitled An act relating to building construction standards; creating §553.065, Florida Statutes; providing that no building be constructed without provision for future installation of solar hot water heating equipment; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 20—25, strike all of said lines and insert: act shall mean the provision of readily accessible piping to allow for pipe fittings that will allow easy future connection into the system of solar water heating equipment. It is the intent

On motion by Senator Gillespie, the Senate concurred in the House amendment to SB 158.

SB 158 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—17

Brantley	Gruber	Pettigrew	Weber
Deeb	Henderson	Plante	Zinkil
Firestone	Johnson	Poston	
Gillespie	Lane (31st)	Sayler	
Graham	Lewis	Sykes	

Nays—13

Childers	Lane (23rd)	Smathers	Winn
de la Parte	McClain	Stolzenburg	
Gallen	Saunders	Trask	
Glisson	Sims	Vogt	

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Zinkil (by request)—

SB 462—A bill to be entitled An act relating to the fire fighters bargaining act; amending §447.30, Florida Statutes, 1972 Supplement; providing that the majority decision of the arbiters after an arbitration board hearing between fire fighters and their employing authority is binding on both parties; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 12, after the colon ":" insert:

Section 1. Section 447.301, Florida Statutes, is created to read:

447.301 Grievance procedures.—Each public employer and bargaining agent shall negotiate a grievance procedure to be used for the settlement of disputes between employer and employee, or group of employees, involving the interpretation or application of a collective bargaining agreement. Such grievance procedure shall have as its terminal step a final and binding disposition by an impartial neutral, mutually selected by the parties; provided, however, that an arbitrator or other neutral shall not have the power to add to, subtract from, modify or alter the terms of a collective bargaining agreement. If an employee organization is certified as the bargaining agent of a unit, the grievance procedure then in existence may be subject of collective bargaining and any agreement which is reached shall supersede the previously existing procedure. All public employees shall have the right to a fair and equitable grievance procedure, administered without regard to membership or non-membership in any organization. A career service employee shall have the option of utilizing the civil service appeal procedure or a grievance procedure established under this section, but such employee cannot use both a civil service appeal and a grievance procedure.

and renumber the subsequent sections.

Amendment 2—On page 1, line 5, after the semicolon ";" insert: creating §447.301, Florida Statutes, providing a grievance procedure

Amendment 3—On page 2, lines 10-11, strike "The majority decision of the arbiters shall be binding on both parties." and insert the following: *The parties shall agree to final and binding arbitration as the final step in any grievance procedure. Provided, however, that an arbitrator shall not have the power to add to, subtract from, modify or alter the terms of a collective bargaining agreement.* The majority decision of the arbiters shall be advisory only on all other matters and shall not be binding upon either the bargaining agent or the employing authority and shall be reduced to writing with findings of fact and submitted by the arbiters to the appropriate governing body for consideration.

On motions by Senator Zinkil, the Senate concurred in House amendments 1, 2 and 3 to SB 462.

SB 462 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—25

Brantley	de la Parte	Gillespie	Gruber
Childers	Firestone	Glisson	Johnson
Deeb	Gallen	Graham	Lane (31st)

Lane (23rd)	Pettigrew	Sykes	Zinkil
Lewis	Poston	Vogt	
McClain	Sims	Weber	
Myers	Smathers	Winn	

Nays—4

Henderson	Peterson	Plante	Trask
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The Honorable Mallory E. Horne, President May 29, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Health and Rehabilitative Services—

CS for SB 1020—A bill to be entitled An act relating to inspection of dairy farms and milk plants; assigning primary jurisdiction and responsibility; amending subsection (1) of section 502.211, Florida Statutes; transferring certain duties, powers and function by a type four (4) transfer to the division of health of the department of health and rehabilitative services; directing conforming editorial changes be made; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment (1)—On pages 1 and 2, strike everything after the enacting clause and insert the following: Section 1. It is the intent of the legislature to eliminate to the extent practicable, overlapping and duplicative inspections performed by the several agencies of state government of dairy farms as defined in subsection (42) of section 502.012, Florida Statutes. In furtherance of this goal, primary responsibility and jurisdiction for all of the on-site inspections to be made of dairy farms required by chapter 502, Florida Statutes, shall be made by the department of agriculture and consumer services, provided, however, that the division of health of the department of health and rehabilitative services shall cooperate with and advise the department of agriculture and consumer services in all matters relating to preservation of public health.

Section 2. Section 502.232, Florida Statutes, is created to read:

502.232 Local regulations superseded.—This chapter and all rules and regulations promulgated hereunder supersede all municipal or county regulations or laws pertaining to milk and milk products that are in conflict herewith. Provided, however, that nothing herein shall prevent any municipality or county from establishing and enforcing standards of qualification for processing or sale of dairy products within its jurisdiction, which are equivalent to or in excess of the requirements of this law.

Section 3. This act shall take effect October 1, 1974.

Amendment (2)—On page 1, in the title, line 3, strike the title and insert the following: A bill to be entitled An act relating to inspection of dairy farms; assigning primary jurisdiction and responsibility; creating section 502.232, Florida Statutes; providing for superseding of all municipal or county laws in conflict; providing for establishment and enforcement of equivalent or greater standards by municipalities and counties; providing an effective date.

Senator Lane (23rd) moved the following amendment to House Amendment 1 which was adopted:

Amendment 1a—On page 1, line 16, after the period insert: Provided, however, that nothing herein shall prevent any municipality or county from establishing and enforcing standards of qualification for processing of dairy products within its jurisdiction, which are equivalent to or in excess of the requirements of this law.

Senators Myers and Lane (23rd) offered the following amendment to House Amendment 1 which was moved by Senator Lane (23rd) and adopted:

Amendment 1b—On page 1, line 11, after the period insert: The secretary of health and rehabilitative services shall designate members of his department who shall be certified by the U.

S. Public Health Service—Food and Drug Administration as state milk sanitation officers, who shall conduct routine sanitation compliance survey ratings of milk producers and milk plants. These ratings shall be made in accordance with recommendation of the U. S. Department of Health, Education and Welfare, Public Health Service Food and Drug Administration "Methods of making sanitation ratings of milk sheds."

On motions by Senator Lane (23rd), the Senate concurred in House Amendment 1 as amended and House Amendment 2 to CS for SB 1020.

Senator Pettigrew moved that the Senate reconsider the vote by which the Senate concurred in House Amendment 1 as amended and House Amendment 2 to CS for SB 1020. The motion failed by the following vote:

Yeas—12

Deeb	Henderson	Plante	Vogt
Gillespie	Lane (31st)	Scarborough	Williams
Graham	Pettigrew	Smathers	Wilson

Nays—19

Mr. President	Johnston	Peterson	Trask
Childers	Lane (23rd)	Sayler	Weber
de la Parte	Lewis	Sims	Winn
Gallen	McClain	Stolzenburg	Zinkil
Johnson	Myers	Sykes	

CS for SB 1020 passed as further amended and the action of the Senate was certified to the House. The vote was:

Yeas—22

Mr. President	Gruber	Plante	Sykes
Deeb	Johnson	Poston	Trask
Firestone	Lane (23rd)	Scarborough	Winn
Gallen	Lewis	Sims	Zinkil
Gillespie	McClain	Smathers	
Glisson	Peterson	Stolzenburg	

Nays—11

Childers	Henderson	Myers	Williams
de la Parte	Johnston	Pettigrew	Wilson
Graham	Lane (31st)	Vogt	

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By Senator Trask—

SB 395—A bill to be entitled An act relating to sales and use taxes; amending §212.08(7)(h), Florida Statutes; providing new procedures for tax exemptions on sales and rentals of guide dogs for the blind and supplies for such dogs; repealing §212.083, Florida Statutes, which requires payment of such taxes and application for refund; providing a saving clause; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 2—On page 1 in title, line 10, after "clause," insert: amending §212.03(4), Florida Statutes, to provide that a person residing for more than 120 days in a hotel, apartment house, rooming house, tourist or trailer camp be exempt from paying sales tax on the rental thereof; empowering the department of revenue to reform rental contracts in certain cases; repealing §212.03(7), Florida Statutes, relating to exemption of places intended primarily for rental as a principal or permanent place of residence;

On motion by Senator Trask, the Senate concurred in House amendment 2 to SB 395.

SB 395 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—32

Mr. President	Henderson	Pettigrew	Stolzenburg
Childers	Johnson	Plante	Sykes
Deeb	Johnston	Poston	Trask
de la Parte	Lane (31st)	Saunders	Vogt
Firestone	Lane (23rd)	Saylor	Weber
Gallen	Lewis	Scarborough	Wilson
Graham	McClain	Sims	Winn
Gruber	Peterson	Smathers	Zinkil

Nays—None

The Honorable Mallory E. Horne, President May 29, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Transportation—

SB 601—A bill to be entitled An act relating to contracts, transportation code; amending §337.11(4)(a), (c) and (d), Florida Statutes, and adding a new paragraph to said subsection; providing for the use of written change orders to contracts; providing rules for issuance of same; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, strike all of lines 24 and 25 and insert the following: Section 2. Subsection (5) of section 339.12, Florida Statutes, is amended to read:

339.12 Contributions by state and county units; bond transfers; federal aid.—

(5) In case any county or special road and bridge district shall transfer and deliver to the division, any county or special road and bridge district road bonds or time warrants under the terms herein provided, such transfer and delivery shall be taken and construed as a sale and delivery of such bonds or time warrants at par or face value thereof.

(a) The division shall agree in writing to expend as much or more than the par or face value of such bonds or time warrants in the construction or maintenance of state roads in the county or special road and bridge district as shall be designated and agreed upon by the division and the officials of the county or special road and bridge district.

(b) The terms herein provided shall apply in any case where such bonds or time warrants have been voted or authorized to be issued.

(c) The department may use available funds for the preparation of detailed design plans with valid cost estimates which plans and estimates shall be completed prior to the issuance of any bonds on all revenue producing transportation projects. However, the department shall be reimbursed for the costs incurred for such preparation from the proceeds of the bond issue.

(d) The department shall not use or pledge the proceeds of the first gas tax in excess of twenty five percent of the original cost estimates on any revenue producing transportation project without legislative approval. The cost estimates as contained in the official bond statement shall be considered the original cost estimates. This limitation on pledging the proceeds of the first gas tax shall in no way impair the ability of the department or the counties to enter into covenants to complete transportation projects from all other legally available funds.

Section 3. This act shall take effect July 1, 1974.

Amendment 2—On page 1, in title, line 9, strike providing an effective date, and insert the following: amending section 339.12(5), F. S., requiring detailed design plans with valid cost estimates before the issuance of bonds; providing department shall get legislative approval on all revenue producing transportation projects before proceeds of the first gas tax are

committed in excess of twenty-five percent of cost estimate; permitting the department to use available funds for the preparation of plans and costs estimates but reimbursement shall be made upon sale of bonds; providing an effective date.

On motions by Senator Poston, the Senate concurred in House amendments 1 and 2 to SB 601.

SB 601 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—33

Mr. President	Henderson	Plante	Trask
Childers	Johnson	Poston	Ware
de la Parte	Johnston	Saunders	Williams
Firestone	Lane (31st)	Saylor	Wilson
Gallen	Lane (23rd)	Scarborough	Winn
Gillespie	Lewis	Sims	Zinkil
Glisson	McClain	Smathers	
Graham	Peterson	Stolzenburg	
Gruber	Pettigrew	Sykes	

Nays—1

Vogt

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By the Committee on Education and Senator Poston—

CS for SB 56—A bill to be entitled An act relating to education; providing definitions; establishing a state board of independent post-secondary vocational, technical, trade and business schools; prescribing powers and duties of boards; providing that the state board of education adopt administrative rules; providing for licensing and accreditation of certain schools and their agents; fixing fees; establishing a trust fund; providing penalties; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 12, strike all of lines 1—6 and insert the following: Section 13. Injunctive relief.—(1) The board may obtain an injunction or take any action it deems necessary against any school or agent in violation of this act, but no such proceedings and no orders issued therein, or as a result thereof, shall bar the imposition of any other penalties which may be imposed for the violation of this act.

(2) If any school subject to the provisions of this act or any person or persons acting on behalf of said school shall cause to be published in any publication any advertisement soliciting students or offering a diploma or degree as defined herein without first having been issued a license under the provisions of this act or while under a temporary or permanent injunction against operating or offering diplomas or degrees, such school or person or persons shall be deemed prima facie to be in violation of this act or of said injunctive order upon presentment in court of the publication containing such advertisement.

On motion by Senator Poston, the Senate concurred in the House amendment to CS for SB 56.

CS for SB 56 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—32

Mr. President	Gillespie	Lane (31st)	Plante
Brantley	Glisson	Lane (23rd)	Poston
Deeb	Graham	Lewis	Saunders
de la Parte	Gruber	McClain	Saylor
Firestone	Henderson	Peterson	Sims
Gallen	Johnson	Pettigrew	Smathers

Stolzenburg
Sykes

Trask
Vogt

Ware
Weber

Winn
Zinkil

Nays—2

Williams

Wilson

The President presiding.

The Honorable Mallory E. Horne, President

May 30, 1974

I am directed to inform the Senate that the House of Representatives has again refused to concur in Senate Amendments 1 and 2 to HB 1911, again requests the Senate to recede and in the event the Senate refuses to recede requests a Conference Committee.

Allen Morris, Clerk

By the Committee on Judiciary—

HB 1911—A bill to be entitled An act relating to jurisdiction in landlord and tenant cases; amending §26.012, (2) (g), Florida Statutes (1972), to remove jurisdiction in landlord and tenant possession cases from the circuit court; amending §34.011, Florida Statutes, to vest jurisdiction in landlord and tenant possession cases exclusively in the county court; providing an effective date.

On motions by Senator Gillespie, the Senate receded from Amendments 1 and 2 to HB 1911.

HB 1911 passed and was certified to the House. The vote was:

Yeas—33

Mr. President
Brantley
Deeb
de la Parte
Gallen
Gillespie
Glisson
Gordon
Graham

Gruber
Henderson
Johnson
Lane (31st)
Lane (23rd)
Lewis
Myers
Peterson
Pettigrew

Plante
Poston
Saylor
Scarborough
Sims
Smathers
Stolzenburg
Sykes
Trask

Vogt
Ware
Weber
Wilson
Winn
Zinkil

Nays—1

McClain

The Honorable Mallory E. Horne, President

May 30, 1974

I am directed to inform the Senate that the House of Representatives again refused to concur in Senate Amendments 1, 2, 3, 4 to HB 580 and accedes to the request of the Senate for a Conference Committee. The Speaker has appointed Representatives J. Clark, Hagan, and Kutun, as the Conferees on the part of the House.

Allen Morris, Clerk

Conference Committee appointed on HB 580

The President announced the appointment of Senators Gordon, Graham and Lewis as conferees on the part of the Senate on HB 580.

The Honorable Mallory E. Horne, President

May 30, 1974

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1, 2 and 5 and has amended Senate Amendments 3 and 4, concurred in same as amended and passed CS for HB's 3659, 3763 and 3879, as further amended—

By the Committee on Health & Rehabilitative Services and Representative Young and others—

CS for HB's 3659, 3763 and 3879—A bill to be entitled An act relating to handicapped persons, providing definitions; prohibiting certain business establishments from obstructing common or

emergency entrances and exits; providing exemptions; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House amendment to Senate Amendment 3: Strike Section 2 and Section 3 and insert: Section 2. Building classifications.—

(1) For the purposes of this act, the following classifications are adopted.

(a) Group A and B occupancy: Theaters, auditoriums, motion picture houses, exhibition halls, skating rinks, gymnasiums, poolrooms, night clubs, meeting rooms, passenger rooms, recreation piers, and all other similar uses.

(b) Group C and D occupancy: All schools, jails, prisons, reformatories, asylums, and all other similar uses.

(c) Group F and G occupancy: Warehouses, storage buildings, freight depots, public garages, gasoline service stations, aircraft hangars, retail stores, shops, sales rooms, markets, office buildings, banks, civic administration buildings, telephone exchanges, museums, art galleries, libraries, and all other similar uses.

(d) Group H and I occupancy: Hotels, motels, apartment hotels, apartment houses, bungalow courts, rooming houses, dormitories, fraternity houses, sorority houses, monasteries, and all other similar uses. Groups H and I of subsection 2 of section 1 of this act shall not be required to provide more than ten percent (10%) of such special accessibility features in any one building.

Section 3. Accessibility features required of new buildings.—

(1) For the purposes of this act a new building shall be considered to be one which is not under construction contract at the time of the effective date of this act.

(2) All new buildings as defined in this act, except single-family dwellings, which the general public may frequent, live in or work at, shall be made accessible as required in this section.

(a) Paths shall be provided for the physically disabled or handicapped and shall be unobstructed, devoid of curbs, stairs, or other abrupt changes in elevation.

(b) Ramps, where provided along such paths, shall slope not more than one inch vertically in twelve inches horizontally, or four degrees and fifty minutes, wherever reasonably possible.

(c) Corridors, including such paths, shall be not less than forty-four inches between walls.

(d) Walk through swinging doors shall be not less than thirty-two inches in width, where single.

(e) All other walk through openings shall provide not less than twenty-nine inches in clear width.

(f) Accessibility to such buildings shall be provided from rights-of-way and parking areas by means of curb-cuts, ramps, or both, to at least one entrance generally used by the public and from such entrance to elevators, where provided.

(g) Accessibility may be provided in such buildings through at least one of the required means of entrance to each floor and at ground level.

(h) All restrooms shall be accessible, and each shall be provided with at least one accessible toilet stall complying with the standard set forth in subparagraph (n) of subsection 2 of section 2 of this act. Access to such restrooms shall be marked by similar signs or symbols in all cases where the accessible restrooms are not immediately visible from all public areas on each floor.

(i) Restroom vestibules providing screens or a series of doors shall have an unobstructed width of not less than four feet and unobstructed length of not less than five feet.

(j) Restrooms made accessible shall provide an unobstructed passage forty-four inches wide for wheelchairs to approach accessible toilet facilities and a space not less than five by five feet for one hundred eighty degree turns.

(k) Elevator car controls used by the public shall have figures and letters at least one-half inch high raised at least .025 inches with square edges as well as adjacent Braille symbols for identification by the blind.

(l) Every floor level shall have figures raised at least .025 inches with square edges located five feet above the floor on the right jamb of elevator entrances as well as adjacent Braille symbols for the blind.

(m) Abrupt changes in level at doorways to such restrooms shall be ramped.

(n) The standard "Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped", of the American National Standards Institute, ANSI A117.1, is hereby adopted and the mandatory requirements therein as well as those set forth in this section, shall be complied with.

(3) The following exceptions shall apply to the features required of new buildings under this section provided, however, that nothing in this subsection shall be construed to prohibit incorporation of the features required in subsection (2) above in any building exempted in this subsection:

(a) In building maintenance and storage areas, where only employees have occasion to enter and the work within such areas cannot reasonably be performed by the handicapped, the provisions of this act need not apply unless such areas provide the only path between areas normally used by the handicapped.

(b) Groups F and G occupancies: Buildings with five thousand square feet or less per floor, having accessibility at habitable grade levels, shall not be required to comply with the provisions of this act at floors above such levels except where an elevator is provided.

(c) Group H occupancies: Two-story and three-story buildings with less than forty-nine units, having accessibility at habitable grade levels, shall not be required to comply with the provisions of this act at floors above such levels except where an elevator is provided.

(d) Within living units, hallways having no walk through openings in the sidewalls may be less than forty-four inches wide but shall not be less than thirty-six inches wide.

(e) Within living units, toilet rooms providing thirty-two inch passage need not comply with the provisions of section 2 of this act, except as set forth in paragraphs (d) and (e) of subsection (2) of section 2 of this act.

(f) Single-family dwellings shall be exempted from this act.

House Amendment to Senate Amendment 4—On page 1 in the title, lines 1—3, strike lines 1, 2, and 3 and insert: providing for building classifications; adopting the American National Standards Institute standard "Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped"; providing for access to buildings; providing for compliance; providing exceptions; exempting family dwellings and duplexes;

On motions by Senator Vogt, the Senate concurred in House amendments to Senate Amendments 3 and 4 to CS for HB's 3659, 3763 and 3879.

CS for HB's 3659, 3763 and 3879 passed as further amended and was certified to the House. The vote was:

Yeas—33

Mr. President	Graham	Peterson	Trask
Brantley	Gruber	Plante	Vogt
Childers	Henderson	Poston	Ware
de la Parte	Johnson	Sayler	Weber
Firestone	Johnston	Scarborough	Wilson
Gallen	Lane (23rd)	Sims	Winn
Gillespie	Lewis	Smathers	
Glisson	McClain	Stolzenburg	
Gordon	Myers	Sykes	

Nays—None

The Honorable Mallory E. Horne, President

May 30, 1974

I am directed to inform the Senate that the House of Representatives returns as requested—

By the Committee on Health and Rehabilitative Services—

HB 4000—A bill to be entitled An act relating to the Florida mental health act; amending §394.457(6)(d), Florida Statutes, 1973, to provide for review of orders of hearing examiners by district courts rather than circuit courts; amending §394.459(1), Florida Statutes, 1973, relating to the rights of patients, to provide an exception, in criminal cases, to the five (5) day limitation on imprisonment; amending §394.467(3)(b), Florida Statutes, 1973, relating to involuntary hospitalization, to provide for committal, to the division of mental health for hospitalization and treatment, of any person adjudicated not guilty by reason of insanity, and to provide that any mentally ill person charged with a misdemeanor shall be admitted for hospitalization and treatment pursuant to part I of chapter 394; amending §394.467(4)(c) and (e), Florida Statutes, 1973, to increase the period of time within which, upon administrative request or petition of the patient or his representative, the hearing shall be held; providing an effective date.

Allen Morris, Clerk

On motion by Senator Myers, the Senate reconsidered the vote by which HB 4000 passed on May 27.

Senators Myers and McClain offered the following amendment which was moved by Senator Myers and adopted by two-thirds vote:

Amendment 1—On page 2, strike lines 4—6 and insert: (d) An order of the hearing examiner may be reviewable by the circuit court of the county in which the hearing is held or by the court of original jurisdiction.

On motion by Senator Myers, HB 4000 as amended was read by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Graham	Peterson	Sykes
Brantley	Gruber	Pettigrew	Trask
Childers	Henderson	Plante	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Lane (23rd)	Sayler	Weber
Gallen	Lewis	Scarborough	Wilson
Gillespie	McClain	Sims	Winn
Glisson	Myers	Smathers	Zinkil

Nays—None

The Honorable Mallory E. Horne, President

May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Gordon—

SB 945—A bill to be entitled An act relating to the state university system; providing legislative intent; establishing enrollment limitations and degree program limitations for state universities; providing for board of regents recommendation and legislative approval of new colleges and degree programs within the existing universities; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 29, after the word "regents" insert: and approval by the legislature

Amendment 2—On page 2, line 25, strike "2,800" and insert: 3,000

On motions by Senator Gordon, the Senate concurred in House amendments 1 and 2 to SB 945.

SB 945 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—30

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
de la Parte	Henderson	Pettigrew	Ware
Firestone	Johnson	Plante	Williams
Gallen	Lane (31st)	Poston	Winn
Gillespie	Lane (23rd)	Sayler	Zinkil
Glisson	Lewis	Smathers	
Gordon	McClain	Stolzenburg	

Nays—None

By unanimous consent Senator Vogt was recorded as voting yea.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to:

By the Committee on Appropriations and Representative Sessums and others—

CS for HB 3692—A bill to be entitled An act relating to the Florida education finance program; amending §236.02(6), Florida Statutes, as amended by chapter 73-345, Laws of Florida; providing a procedure for determining the minimum required local effort; amending §236.081(1)(b), (2), (3), (4), (5), (6) and (7), Florida Statutes, as created by chapter 73-345, Laws of Florida; fixing the base student cost for 1974-1975; providing a procedure for computation of the compensatory education supplemental cost factor; deleting provision for supplemental ad valorem tax equalization; adjusting the district cost of living factors; providing a procedure for computing district required local effort; providing for proration of current operation funds; providing a guaranteed minimum level of funding for 1974-1975; providing for the following transitional categorical programs: career education program, student enrichment and remedial program, secondary school counselors program, and developmental reading and language arts program; amending §236.083(2)(a) and (7), Florida Statutes, as created by chapter 73-345, Laws of Florida; amending route mileage calculation and providing for proration of transportation funds; amending §236.087(1)(d) and (2), Florida Statutes, as created by chapter 73-345, Laws of Florida; deleting the allocation for tax loss resulting from additional homestead exemptions; deleting the requirement for factoring the base student cost; amending §236.25(1), Florida Statutes; providing a limit on authorized district millage levies; amending §237.071(3), Florida Statutes; providing for budgeting of required local effort; amending §237.34 (3), Florida Statutes, as created by chapter 73-345, Laws of Florida, amending cost reporting procedures; repealing §196.031(4), Florida Statutes; deleting the allocation for tax loss resulting from additional homestead exemptions; amending the introductory paragraph and subparagraph 2.e. of paragraph (c) of subsection (1) of §236.081, Florida Statutes; amending cost factors; establishing procedure for allocating career education funds; establishing procedure for allocating secondary school counselor funds; amending §236.086, Florida Statutes; amending procedure for allocating elementary school counselor funds; establishing procedure for allocating student enrichment and remedial program funds; amending §232.255(3), Florida Statutes; amending procedure for allocating school safety fund; amending §229.802, Florida Statutes; amending accreditation procedures; amending §236.013(3)(a) 2 and (3) (c) 2 a and d and adding a new e; amending definition of full-time equivalent student; amending §236.084, adding a new (5); providing for adjustment in allocation of funds for comprehensive school construction and debt service; providing an effective date.

—and requests the Senate to recede. In the event the Senate refuses to recede requests a Conference Committee. The Speaker has appointed Representatives MacKay, Conway, Danahy, Dubbin, Birchfield, Johnson as House Conferees and Nelson, Crenshaw and Kutun as alternates.

Allen Morris, Clerk

On motions by Senator Graham the Senate refused to recede from Amendments 1 and 2 to CS for HB 3692 and acceded to the request of the House for a Conference Committee.

Conference Committee on CS for HB 3692

The President announced the appointment of Senators Graham, Gordon, Peterson, Saunders, Williams and Smathers as conferees on the part of the Senate on CS for HB 3692.

The action of the Senate was certified to the House.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has adopted the Conference Committee Report as an entirety and adopted CS for HCR 2800 as amended by the Conference Committee Report.

Allen Morris, Clerk

By the Committee on Rules & Calendar and the Committee on Governmental Operations—

CS for HCR 2800—A concurrent resolution adopting a policy on growth for the State of Florida.

CONFERENCE COMMITTEE REPORT ON CS FOR HCR 2800

The Honorable Mallory E. Horne May 27, 1974
President of the Senate

The Honorable T. Terrell Sessums
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on *Committee Substitute for House Concurrent Resolution 2800*, same being:

A concurrent resolution adopting a policy on growth for the State of Florida.

—having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the Senate recede from its amendment.
2. That the Senate and House of Representatives adopt the conference committee amendment attached hereto, and by reference made a part of this report.
3. That the Senate and the House of Representatives pass Committee Substitute for House Concurrent Resolution 2800 as amended by the said conference committee amendment.

James H. Williams
George Firestone
Warren S. Henderson
Philip D. Lewis
Kenneth A. Plante (signature withheld)

Kenneth H. MacKay, Jr.
Charles W. Boyd
Murray H. Dubbin
Barry Kutun
Charles L. Nergard

Managers on the part of the Senate
Managers on the part of the House of Representatives

Conference Committee Amendment 1—Page 1, strike lines 7—29 inclusively and pages 2—31 inclusively and insert:

WHEREAS, few areas in America offer so many benefits as a place to live, work, and play as Florida does, and

WHEREAS, because of these benefits, Florida has had an undisciplined growth which has generated problems in shaping the quality of life for Florida's nearly 8,000,000 citizens particularly in the areas listed below:

1. It has been necessary to provide quality education at a greater cost to the taxpayer to the growing enrollment of Florida school students;
2. The additional cost to the taxpayer for providing sewers, roads, solid waste management, zoning, police and fire protection;

3. Some neighborhoods have been growing too much, too fast, and with the wrong type of growth while in other areas little is being done to induce needed growth, and in all areas there is lacking an acceptable means for influencing desirable growth;

4. Many areas of Florida already are suffering water shortages;

5. The cost of housing has risen to such an extent that many families are now no longer able to buy their own home;

6. The cost of living has increased at such a pace that Florida's many citizens on a fixed income have found it impossible to keep pace;

7. There is a growing need for a fair and rational approach to both land-use planning and regulation designed to protect both the general public and the individual property owner;

8. The people appear to be losing faith in their government's ability to solve problems arising on the local, state, and federal levels;

9. There is a growing need for additional social services particularly for persons living in poverty;

NOW THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring, that:

QUALITY OF LIFE

It is the policy of the State of Florida that the foremost function of its government shall be to help its citizens maintain and enrich the quality of life in Florida.

INFLUENCING GROWTH

This shall be done through laws and programs designed primarily to influence the kind, rate and extent of growth and the ways of adjusting to that growth in any area of Florida.

It shall not be the state's policy to stimulate further growth generally, but to plan for and distribute such growth as may develop.

RIGHTS OF CITIZENS

The legislature recognizes that increasing population and urbanization in Florida will result in an increasing conflict between individual rights and the public need.

The executive branch of government shall administer the laws of Florida in such ways to insure that individual Floridians shall have direct access to individual state agencies and shall insure that no state action affecting the rights of any citizen shall be implemented without affording the citizen affected due process of law.

Present and future property values and rights shall be safeguarded through comprehensive planning which determines the desired kind, rate and extent of growth of an area based on the carrying capacity of its natural and man-made systems.

LOCAL RESPONSIBILITY

State government shall encourage and support modernization of local government and re-examine its own sometimes competing and conflicting relationships with local government.

Planning and management of state policy on growth shall be administered to the maximum extent possible at the local level of government with guidance, proper incentives, technical assistance and resources furnished by state government.

State government shall encourage coincidence of taxes and services between various units of local government so that citizens of Florida pay for services available to them and do not pay for services unavailable to them.

Since responsibility for the improvement of the quality of life of all Floridians will rest primarily with voluntary action at all levels of society individual Floridians are encouraged to participate in the implementation of this growth policy.

CARRYING CAPACITY

The desired kind, rate and extent of growth shall be primarily determined by the carrying capacity of natural and man-made systems of an area.

Carrying capacity shall be based on availability of natural resources such as air, soils, water and space and may vary further depending on available energy, technology, means of waste disposal, other essential public services and the financial capability of an area.

In defining carrying capacity local government shall use a uniform statewide method of measurement as determined by the legislature and the legislature recognizes its responsibility to develop such a uniform method.

This shall be the primary basis on which local government adopts the desired kind, rate and extent of growth for its area so long as these do not exceed the carrying capacity of that area as found by the uniform statewide method of measurement. Local government shall not be precluded from exceeding the limits of the natural systems, but may opt to expand beyond these limits after identifying the costs involved. And the state, in planning for growth, shall adopt guidelines which take into account the number of people already located in the various counties and cities as related to carrying capacity.

IMPACT COSTS

Growth, through the influx of new residents and new construction, may impose increased costs on local government in providing essential services and facilities. Local government, whether seeking to stem or to encourage growth, should not place the brunt of these increased costs on present residents but rather may require the new residents and new construction to contribute an equitable share toward meeting these costs.

State and local government shall review the budgets of the local governmental units, including the state revenue sharing, to insure that the tax revenues, charges, and fees collected are allocated equitably between old and new facilities. Consideration shall be given to accepting fees in kind in lieu of impact costs.

Pursuant to these considerations, state and local government shall identify these costs of increased residents and new construction and shall develop an appropriate policy regarding their equitable allocation. State and local government shall also identify the benefits of increased residents and new construction, to the end that decisions about growth may be made on a more factual, rational basis.

COMPREHENSIVE PLANNING

Comprehensive planning at the local level and local participation in similar planning for the area shall continue to be encouraged, with proper incentives, by state government.

Local government shall be encouraged to join appropriate public bodies to coordinate with state government in achieving comprehensive planning statewide.

Such coordinating bodies shall provide for sufficient local initiative and active citizen participation and control.

If such planning is not accomplished at local and area levels within a reasonable period of time, state government shall perform such minimal planning as is necessary to assure comprehensive statewide planning including requirements for subdivision plats and rules for zoning where there is no comprehensive land-use plan.

A statewide minimum building code applicable to all aspects of the construction industry shall be developed.

To help influence Florida's growth in desired directions, state government shall assure an adequate supply of specialists trained to carry out the comprehensive planning needed.

To help facilitate the implementation of such comprehensive planning, state government shall explore such concepts as tax incentives, greenbelting and the creation of transferable development rights.

AGRICULTURAL LAND

State government shall encourage farmers to keep desirable agricultural land out of commercial development.

Use of land for bona fide farming purposes shall be encouraged through tax laws and assessment procedures, without encroaching on the rights of the individual citizen.

NATURAL HERITAGE

The state recognizes the recreational, economic, agricultural, aesthetic and environmental importance of all state waters and shall return all state waters to pollution standards which allow their safe use for these public purposes.

The waters of the state of Florida are among its basic resources. The subsurface waters of Florida shall be declared to be the property of the people of Florida.

State government shall develop coordinated plans statewide for the quality, supply and use of water and for the adequate treatment and management of waste as well as for advance waste treatment.

State government shall, in cooperation with local governments, implement a land-management program which will maintain the environmental and economic integrity of Florida's coastal zone.

State government, in cooperation with local government, will take an active role in the restoration, preservation and acquisition of Florida's beaches and shores for the present and future benefit of all people including insuring adequate public access to public beaches.

State government, in cooperation with local government, shall develop and implement a statewide plan for reclamation and restoration of lands which have been utilized for surface mining operations or any other temporary use which, when completed, leaves the land in an altered or defaced state.

Acquiring parks, open spaces and environmentally endangered lands adequate for the recreational needs of Florida's residents and visitors shall be a responsibility of state government in cooperation with local government.

To enable it to develop and implement a coherent environmental policy, the state legislature shall consider the consolidation of all state environmental programs.

ENERGY

Growth shall be influenced in ways consistent with available and foreseeable energy resources.

Indigenous energy resources shall be inventoried in conjunction with other resources.

New means shall be developed to provide optimum levels of energy with minimum degradation of Florida's environment and more efficient use of existing energy sources shall be encouraged.

Because of its geographical situation, Florida shall seek to exercise a leading role in development and application of solar energy technology. Moreover, through cooperation with the National Aeronautics and Space Administration, Florida shall provide leadership for the attainment of national energy self-sufficiency through the use of hydrogen and other energy technology.

EDUCATION

State government shall assure that every child has an equal opportunity to obtain a quality education from kindergarten through high school. Each child should be introduced to the variety of careers available to him, and should have an equal opportunity to pursue an occupation, vocational and technical education and continue his education at a higher level.

State government shall assure that the most efficient procedures shall be utilized so that school construction needs may be met rapidly, economically and be based upon sound planning through the use of effective planning coordination between local school districts and planning agencies to properly locate and construct school facilities.

The legislature shall establish a coordinated statewide system of higher education and shall define the mission of the state university system and its component institutions to prevent needless duplication of undergraduate, graduate, research, vocational, technical and community service programs.

At all levels of education, the state goal shall be to raise the educational achievement levels of Floridians to a level above the national average.

HEALTH AND SOCIAL SERVICES

State government shall measure the present condition of the health of Floridians, determine state health objectives and identify the steps which need to be taken to close any gap.

These steps shall include improving the ratio and distribution of physicians and other medical personnel where needed throughout Florida, encouraging provisions of adequate health facilities where needed, encouraging availability of health-maintenance programs and improving health education.

ELDERLY

State government shall seek to enable Florida's growing elderly population to attain a quality of life marked by dignity and in which the elderly can continue to contribute their talents and view themselves, realistically, as wanted and productive citizens.

However, it should be realized that increased costs of living, particularly in the area of housing, will make it increasingly difficult for the elderly, especially those on modest fixed incomes, to live comfortably.

The state shall also take whatever means necessary to provide equitable taxation for its older Floridians.

HOUSING

State government shall encourage private industry to consider the needed moderate and low-cost housing, and shall provide incentives for private industry and local governments to prevent deterioration and redevelop deteriorating areas as a place for people to live.

State government shall assure that its citizens are provided safe and efficiently designed dwelling units and shall encourage the construction of factory-built housing.

MOBILITY

The state shall develop and implement balanced, statewide transportation systems on a priority by needs basis. Emphasis shall be placed on those transportation systems which offer the greatest mobility to the citizens of the state commensurate with the total impact of such systems on the communities. The state shall encourage new technological development which will increase mobility without sacrifice to the quality of the lives of its citizens, such as mass transit systems in appropriate areas.

Such transportation systems shall result from, rather than determine, comprehensive planning.

Transportation systems shall be used to direct growth to those areas of the state where further growth is desirable.

Properly planned transportation systems shall influence methods of funding, rather than result from them.

SOUND ECONOMY

To influence growth in such a way as to foster a sound economy in Florida, state government shall seek a diversified economic balance among agriculture, tourism, manufacturing and business, so the state is not dependent on any one of these.

Every working man and woman in Florida shall be assured of safe and healthful working conditions.

The state goal shall be to raise Florida's per-capita and median-family incomes above the national averages.

MARKETPLACE OF FAIRNESS

State government shall seek to influence growth in such ways as to foster a marketplace of fairness for businesses, employees and consumers alike in Florida.

ADMINISTRATIVE PROCESS

Government must be understanding and responsive to needs of the people, their environment and economy, so that the creation of an insensitive and indecisive administrative process is avoided.

To further safeguard the growth policy of the state of Florida, the legislature shall review all rules and regulations promulgated by agencies of state government to insure their statutory authority.

BE IT FURTHER RESOLVED that this concurrent resolution shall be a broad policy guide for the state and local governments. It shall be reviewed annually by the legislature and implementation shall require legislative approval unless previously embodied either in the constitution or statutes of the state.

On motions by Senator Williams the Conference Committee Report was read, adopted, and CS for HCR 2800 was adopted as recommended and certified to the House. The vote was:

Yeas—28

Mr. President	Gordon	Lewis	Stolzenburg
Brantley	Graham	McClain	Sykes
de la Parte	Gruber	Myers	Ware
Firestone	Henderson	Pettigrew	Williams
Gallen	Johnson	Poston	Wilson
Gillespie	Lane (31st)	Sayler	Winn
Glisson	Lane (23rd)	Smathers	Zinkil

Nays—5

Barron	Peterson	Trask	Weber
Childers			

By unanimous consent Senators Plante and Sims were recorded as voting nay; Senator Vogt, yea; Senator Weber changed his vote from nay to yea.

On motion by Senator Barron, by two-thirds vote CS for CS for HB 3418 was made a special and continuing order for 11:30 a.m.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Smathers and others—

SB 887—A bill to be entitled An act relating to education; amending 228.071 (2), Florida Statutes; enlarging the scope of the community school program; authorizing use of school facilities for community school programs; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, strike everything after “schools.” on line 28 and strike all of line 29. On page 2, strike lines 1—3 and insert: (b) *The Department of Education is directed to develop a pilot project, the purpose of which should be to demonstrate the types of programs that a community school can encompass. To accomplish this purpose, the Department of Community Affairs and the Department of Health and Rehabilitative Services are directed to participate with Department of Education this project. The Department of Education shall report to the legislature by March 1, 1975 on the results of the demonstration project. The project shall include one high school and one elementary school in both a rural and an urban area.*

(9) **USE OF SCHOOL PROPERTY.**—*The buildings, land, equipment and other property owned by local school districts may be used by the providers of community school programs and services on a shared or leased basis.*

(10) **JOINT PROPERTY.**—*Local school districts may acquire, own, maintain, and dispose of, jointly with other governmental bodies, real and personal property for use in community schools.*

Section 2. To carry out the purposes of this act, there is hereby appropriated to the Department of Education the sum of twenty-five thousand dollars (\$25,000).

Section 3. This act shall take effect on July 1, 1974.

Title Amendment 2—On page 1 in the title, line 8, strike the semicolon and insert: , establishing a demonstration project; providing an appropriation,

Senators Smathers and Graham offered the following amendment to House Amendment 1 which was moved by Senator Smathers and adopted:

Amendment 1a—On page 1, strike all of lines 1 through 22 and insert: Section 2. Subsections (9) and (10) are added to section 228.071, Florida Statutes, to read:

228.071 Community school program.—

(9) **USE OF SCHOOL PROPERTY.**—*The buildings, land, equipment and other property owned by local school districts may be used by the providers of community school programs and services on a shared or leased basis.*

(10) **JOINT PROPERTY.**—*Local school districts may acquire, own, maintain, and dispose of, jointly with other governmental bodies, real and personal property for use in community schools.*

(Renumber subsequent section.)

Senators Smathers and Graham offered the following amendment to House Amendment 2 which was moved by Senator Smathers and adopted:

Amendment 2a—On page 1, line 8, after the word “programs,” insert: adding subsections (9) and (10) to §228.071, Florida Statutes, providing for use of school property and joint acquisition;

On motions by Senator Smathers, the Senate concurred in House Amendments 1 and 2 as amended to SB 887.

SB 887 passed as further amended and the action of the Senate was certified to the House. The vote was:

Yeas—26

Mr. President	Graham	McClain	Sykes
Brantley	Gruber	Peterson	Trask
de la Parte	Henderson	Plante	Vogt
Firestone	Johnson	Poston	Winn
Gallen	Lane (31st)	Sayler	Zinkil
Gillespie	Lane (23rd)	Scarborough	
Glisson	Lewis	Sims	

Nays—None

By unanimous consent Senator Smathers was recorded as voting yea.

MESSAGES FROM THE GOVERNOR

VETOED BILL 1974 REGULAR SESSION

The following message from the Governor was read:

Honorable Mallory Horne
President of the Senate
The Capitol
Tallahassee, Florida

May 30, 1974

Dear Mr. President:

By authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections Senate Bill 50 enacted by the Third Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1974, and entitled:

“An act relating to motor vehicle safety equipment; amending Section 325.16, Florida Statutes, to provide that when a vehicle has failed to pass inspection the official receipt and statement shall operate as a temporary permit for the purpose of repairing and reinspecting the vehicle.”

Senate Bill 50 as introduced by Senator David C. Lane had a valid purpose to specifically authorize vehicles which failed to meet safety requirements during a vehicle inspection to operate temporarily upon the roadways for the sole purpose of traveling to and from a place of repair.

The bill has been amended in the legislative process so that such vehicles would not be limited to operation on the roadways for the sole purpose of obtaining repairs. Further, such a repair period has been extended from 10 to 30 days, and the provisions of Section 315.285, Florida Statutes, (prohibiting vehicles from being in an unsafe condition) shall not apply when a person has a receipt from an inspection station. This would allow a vehicle to operate for a period of 30 days with defective equipment items of brakes, lights, horn, steering mechanism, windshield wipers, turn signals, tires or exhaust systems. At the end of the 30-day period the owner could go to another inspection station, pay the \$3.00 inspection fee, and continue to operate the vehicle for an additional 30 days without repair.

The Department of Highway Safety and Motor Vehicles has indicated that there are instances when vehicles cannot be repaired immediately after they are rejected at an inspection station, but such circumstances should not be used to authorize the operation of a defective vehicle at that time anymore than when it is damaged in an accident. If Senate Bill 50 is allowed to become law, it would give the owners of defective vehicles a "license" to operate those vehicles on the roadways. The Director of the Florida Highway Patrol has communicated to me that he feels the bill as finally passed is contrary to its original intent and is not in the interest of traffic safety.

For the reasons stated, I am withholding my approval of Senate Bill 50, and do hereby veto same.

Sincerely,
Reubin Askew
Governor

The President put the question: "Shall the bill pass the Governor's objections to the contrary notwithstanding?"

SB 50 (1974 Regular Session) passed by the required constitutional two-thirds vote of all members present and was certified to the House. The vote was:

Yeas—24

Mr. President	Glisson	Lewis	Scarborough
Brantley	Gruber	McClain	Sykes
Deeb	Henderson	Myers	Vogt
de la Parte	Johnson	Peterson	Weber
Gallen	Lane (31st)	Plante	Williams
Gillespie	Lane (23rd)	Saylor	Zinkil

Nays—8

Firestone	Pettigrew	Stolzenburg	Wilson
Graham	Poston	Ware	Winn

By unanimous consent Senator Smathers was recorded as voting yea.

SPECIAL ORDER

HB 4005—A bill to be entitled An act relating to ad valorem taxes; relating to assessors' and collectors' budgets and commissions; amending §§192.091(1), 192.102(1), 193.085(4), 193.114(5), 193.122(1), 193.461(3), 194.015, 194.032(3) and (5), 194.171(2), (5) and (6), 195.002, 195.022, 195.027(2) and (3), the introductory paragraph and subsections (1) and (2) of §195.073, 195.087, 195.095(1) and (2), 195.096(2), (3) and (4), 195.097(2), 196.011(1), 196.012(10), 196.111(1) and (2), 196.131, 197.018, 197.121, 200.065(1), (2), (3), (5) and (8), 218.36(1), (2) and (4), and 373.536(1), (3) and (4), all Florida Statutes; creating §§193.075, 193.116, 193.122(4), 195.073(4), 200.065(9) and 373.536(5), Florida Statutes; providing for clarification of the assessment of railroad and private car lines; providing for municipal assessment rolls; providing for the memberships, procedures, operation and duties of the board of tax adjustment; providing dates and short forms for the submission of annual applications to the tax assessor; amending §195.106(2), Florida Statutes, to provide for tax refunds; providing duties of the department of revenue; providing for forms by the department of revenue; providing for the use and form of computer programs; providing for classification of property on the assessment roll; providing for disposition of returned checks; including collectors and county commissions in the state standard contracts and approved bidder lists for assessment and

collection contracts; providing qualifications for bidders on assessment and collection contracts; establishing presumptions of law relating to the assessment of mobile homes; providing dates and duties of the auditor general in auditing county assessment rolls; providing method of determining total and permanent disability; providing notices relating to homestead exemption and tax certificates; providing for office liability of the collector for errors; providing for millage rollback; providing method of fixing millage including newspaper notice and public hearings; providing dates to drainage district budgets to correlate with assessment rolls; providing notice of drainage district tax levies; providing for the non-applicability of the administrative procedures act to certain acts of the department of revenue; repealing §§193.115, 195.201, 195.202, 195.203, 195.204, 195.205, 195.206, and 195.027(5), Florida Statutes; repealing provisions relating to municipal assessment rolls; the confidential information sales information forms; repealing §195.106(3), Florida Statutes, relating to certain budget inclusions and tax levies in some counties; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendment which was moved by Senator Williams:

Amendment 1—On page 2, line 31, strike everything after the enacting clause and insert: Section 1. Subsections 192.091(1) and 192.102(1), Florida Statutes, are amended to read:

192.091 Commissions of assessors and collectors.—

(1) (a) The budget of the assessor's office, as approved by the department of revenue, shall be the basis upon which the several tax authorities of each county, except municipalities and the district school board, shall be billed by the assessor for services rendered. Each such taxing authority shall be billed an amount that bears the same proportion to the total amount of the budget as its share of ad valorem taxes bore to the total levied for the preceding year. ~~that bears the same proportion to the total amount of the budget as its share of ad valorem taxes bore to the total collected for the preceding year.~~ All municipal and school district taxes shall be considered as taxes levied by the county for purposes of this computation.

(b) Payments shall be made quarterly by each such taxing authority. The assessor shall notify the various taxing authorities of his estimated budget requirements and billings thereon at the same time as his budget request is submitted to the department of revenue pursuant to §195.087 and at the time he receives final approval of his budget by the department.

192.102 Payment of assessors' and collectors' commissions.—

(1) The board of county commissioners and school board of each county shall advance and pay to the county tax collector of each such county, at the first meeting of such board each month from ~~January through~~ October through July of each year, on demand of the county tax collector, an amount equal to one twelfth of the commissions on the county taxes levied on the county tax roll for the preceding year and one twelfth of the commissions on county occupational and beverage licenses paid to the tax collector in the preceding fiscal calendar year. To demand the first advance under this section, each tax collector shall submit to the board of county commissioners a statement showing the calculation of the commissions on which the amount of each advance is to be based.

Section 2. Section 193.075 is created, and subsections 193.085(4) and 193.114(5), Florida Statutes, are amended to read:

193.075 Mobile homes.—Any mobile home without a current license plate properly affixed as provided in subsection 320.08(8) or section 320.0815, Florida Statutes, shall be presumed to be either real property or tangible personal property. It shall be presumed to be real property only if the owner of the mobile home is also the owner of the land on which it is located and the mobile home is also permanently affixed to the realty. Otherwise it shall be presumed to be tangible personal property.

193.085 Listing all property.—

(4) The department shall promulgate such regulations as are necessary to insure that all railroad ~~and utility~~ property of all types is properly listed in the appropriate county.

(a) All railroad and railroad terminal companies maintaining tracks or other fixed assets in the state and subject to

assessment under the unit rule method of valuation shall make an annual return to the department of revenue. Such returns shall be filed on or before April 1, and shall be subject to the penalties provided in §193.072, Florida Statutes. The department shall make an annual assessment of all operating property of every description owned by or leased to such companies. Such assessment shall be apportioned to each county based upon actual situs and in the case of property not having situs in a particular county shall be apportioned based upon track miles. Operating property shall include all property owned or leased to such company including right-of-way presently in use by the company, track, switches, bridges, rolling stock and other property directly related to the operation of railroads. Non-operating property shall include that portion of office buildings not used for operating purposes, property owned but not directly used for operation of the railroad, and any other property that is not operating. The department shall promulgate rules necessary to insure that all operating property is properly valued, apportioned, and returned to the appropriate county. The evaluation and assessment of utility property shall be the duty of the assessor. ~~However, the listing and evaluating of all utility property in each county shall be the duty of the tax assessor.~~

(b) All companies operating rolling stock in Florida other than those assessed in subsection (4)(a) shall return for taxation the average number of their cars which are habitually present within Florida and shall state the fair market value thereof. The assessed value of such property shall be apportioned by the Department to the counties in the same manner as the apportionment of the operating property of railroads maintaining tracks and other fixed assets in the state.

193.114 Preparation of assessments rolls.—

(5) Each assessment roll shall be submitted to the executive director for review in the manner and form prescribed by the department on or before the first Monday in July. The roll submitted to the department need not contain centrally assessed properties prior to approval under subsections (5) and (6). Such review by the executive director shall be made to determine if the rolls meet all the appropriate requirements of this section relating to form and just value. Upon approval of the rolls by the executive director, the hearings required in Section 194.032 may be held.

Section 3. Section 193.011, Florida Statutes, is amended, and section 193.012, Florida Statutes, is created, to read:

193.011 Factors to consider in deriving just valuation of real property.—In arriving at just valuation as required under Section 4, Article VII of the state constitution, the tax assessor shall take into consideration the following factors:

- (1) The present cash value of the property;
- (2) The highest and best use to which the property can be expected to be put in the immediate future and the present use of the property;
- (3) The location of said property;
- (4) The quantity or size of said property;
- (5) The cost of said property and the present replacement value of any improvements thereon;
- (6) The condition of said property;
- (7) The income from said property;
- (8) The net proceeds of the sale of the property, as received by the seller, after deduction of all of the usual and reasonable fees and costs of the sale, including the costs and expenses of financing.

193.012. Factors to consider in deriving just valuation of tangible personal property.—

(1) For determination of just value of tangible personal property as required under Section 4, Article VII of the state constitution, it is intended by the legislature that the adjusted basis as determined by the taxpayer for federal income tax purposes under Section 167 of the 1954 Internal Revenue Code as amended, along with the related regulations, be deemed and held prima facie to be the standard measure of just valuation contemplated by the constitution of this

state. However, in no event shall the asset or group of assets be depreciated below a minimum salvage value of 10% of the capitalized costs unless the taxpayer can, by the preponderance of evidence, demonstrate that a lower percentage represents just valuation.

(2) Nothing in this section shall preclude either the assessor or the taxpayer from considering the eight factors enumerated in section 193.011, Florida Statutes, in arriving at a different estimate of just valuation of tangible personal property; however, the party desiring to deviate from the standard of valuation as described in subsection (1) above must demonstrate by the preponderance of evidence that the standard does not reflect just valuation.

Section 4. Section 193.116, Florida Statutes, is created to read:

193.116 Municipal assessment rolls.—

(1) The county assessor shall prepare an assessment roll for every municipality in his county. The board of tax adjustment shall give notice to the chief executive officer of each municipality whenever an appeal has been taken with respect to property located within that municipality. Representatives of that municipality shall be given an opportunity to be heard at such hearing. The assessor shall deliver each assessment roll to the municipalities in the same manner as assessment rolls are delivered to the county commission. The governing body of the municipality shall have thirty (30) days to certify all millages to the county assessor. The county assessor shall extend the millage against the municipal assessment roll. The assessor shall certify the municipal tax roll to the county tax collector for collection in the same manner as the county tax roll is certified for collection. The assessor shall deliver to each municipality a copy of the municipal tax roll.

(2) The county tax collector shall collect all ad valorem taxes for municipalities within his county. He shall collect municipal taxes in the same manner as county taxes. Each county tax collector shall include on the printed statement required under §197.072, Florida Statutes, a separate category for the municipality, if any, in which the property is located. This category shall state the rate of taxation for the municipality and the amount of tax. The county tax collector shall post a sufficient surety bond approved by the municipality conditioned to account duly and faithfully for the municipal taxes.

Section 5. Subsections 193.122(1) and 193.461(3), Florida Statutes, are amended and 193.122(4) created to read:

193.122 Certificates of the board of tax adjustment and tax assessor.—

(1) The board of tax adjustment shall certify each assessment roll after all hearings required by §194.032 have been held. These certificates shall be attached to each roll as required by the department of revenue. If the board of tax adjustment makes any changes in the assessor's roll, in which the assessor does not concur, it shall forward to the department its specific and detailed findings of fact and conclusions of law for all changes made by the board to substantiate that the evidence presented was sufficient to overcome the assessor's presumption of correctness. The board shall reduce its finding of fact and conclusions of law to writing, in each case stating the reasons for which the assessor's determination was overturned. The department shall invalidate any changes by the board if it finds the change lacks legal sufficiency or that the evidence presented was insufficient to overcome the assessor's presumption of correctness. The clerk of the board of tax adjustment shall notify, on a form provided by the department, each taxpayer whose case has been forwarded to the department for review. Such notice shall be provided to the taxpayer by first class mail at the time the board's findings are forwarded, and such notice shall be accompanied by a copy of the board's findings as forwarded to the department of revenue. The form shall notify the taxpayer that he has fifteen (15) days from the date of mailing of the notice to make an appearance, in writing, before the department. Such appearance shall be limited to the record established before the board of tax adjustment. A taxpayer's failure to submit such written statement shall not constitute a failure to exhaust his administrative remedies.

(4) The assessor may extend millage as required in subsection (2) against the assessment roll and certify it to the tax collector even though there are parcels subject to review by the department of revenue. Such parcels shall not be certified or have taxes extended against them until the board of tax adjustment has received formal advice from the department of revenue that it has completed its review and as to its final decision. At such time, the assessor shall extend and certify taxes on such parcel, or parcels, as required by section 193.171 (2), and shall advise the taxpayer of such certification. If the board forwards to the department insufficient information for the department to review the decision, the board shall, upon the department's request, submit a verbatim transcript of the record and such other materials and information requested by the department to make its review.

193.461 Agricultural lands; classification and assessment.—

(3) (a) No lands shall be classified as agricultural lands unless a return is filed on or before March April 1 of each year. The assessor, before so classifying said lands, may require the taxpayer or his representative to furnish the assessor such information as may reasonably be required to establish that said lands were actually used for a bona fide agricultural purpose. Failure to make timely application by March April 1 shall constitute a waiver for one year of the privilege herein granted for agricultural assessment. The owner of land that was classified agricultural in the previous year and whose ownership or use has not changed may reapply on a short form as provided by the department.

(b) Subject to the restrictions set out in this section, only lands which are used primarily for bona fide agricultural purposes shall be classified agricultural. "Bona fide agricultural purposes" means good faith commercial agricultural use of the land. In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken into consideration:

1. The length of time the land has been so utilized;
2. Whether the use has been continuous;
3. The purchase price paid;
4. Size, as it relates to specific agricultural use;
5. Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforesting, and other accepted agricultural practices;
6. Whether such land is under lease, and, if so, the effective length, terms, and conditions of the lease; and
7. Such other factors as may from time to time become applicable.

(c) The maintenance of a dwelling on part of the lands used for agricultural purposes shall not in itself preclude an agricultural classification.

Section 6. Section 194.015, Florida Statutes, is amended to read:

194.015 Board of tax adjustment.—There is hereby created a board of tax adjustment for each county, which shall consist of three members of the governing body of the county as designated by the chairman of the board of said governing body, one of whom shall be designated as chairman, and two members of the school board as designated by the chairman of the school board. Any three members shall constitute a quorum of the board. The members of the board shall be designated for each calendar year and shall remain on the board of tax adjustment during that year so long as they remain in office or until they must be replaced due to illness or extreme hardship. Members of the board of tax adjustment may be replaced from time to time by other members of their respective boards on appointment by their respective chairmen. The clerk of the governing body of the county shall be the clerk of the board of tax adjustment. The expenses of the board shall be borne two-fifths by the school district and three-fifths by the county commission.

Section 7. Subsection 194.032(3) and (5) and 194.171(2) (5) and (6), Florida Statutes, are amended to read:

194.032 Hearing complaints.—

(3) Petitioners before the board may be represented by an attorney and present testimony and other evidence. The tax assessor, or his authorized representatives, may be represented by an attorney in defending his assessment or opposing an exemption and may present testimony and other evidence. The tax assessor, each petitioner, and all witnesses may be required to testify under oath as administered by the chairman of the board of tax adjustment. Hearings shall be conducted in conformity with the provisions of chapter 120, Florida Statutes, provided that nothing herein shall preclude an aggrieved taxpayer from contesting his assessment in the manner provided by §194.171, Florida Statutes. ~~informally, but the board, the petitioner, or the tax assessor may require that a~~ verbatim record of the proceedings shall be made and that proof of any documentary evidence be presented, shall be preserved and made available to the department of revenue if requested.

(5) In each case, except when a complaint is withdrawn by the petitioner or is acknowledged as correct by the tax assessor, the board of tax adjustment shall render a written decision. All such decisions shall be issued within twenty calendar days of the last day the board is in session under this section. The decision of the board shall meet the requirements of section 193.122, Florida Statutes, and shall provide information sufficient for the department of revenue to conduct its review.

194.171 Circuit court to have original jurisdiction in tax cases.—

(2) No action shall be brought to contest a tax assessment after sixty days from the date the assessment being contested ~~assessment roll~~ is certified for collection under section 193.122- (2).

(5) ~~After August 31, 1972,~~ Pending actions to contest tax assessments shall be dismissed unless the taxpayer shall have paid to the collector all taxes on the property which he in good faith admits to be owing, including taxes assessed in years after the action is brought.

(6) ~~On or before August 30, 1972,~~ The clerk of the circuit court shall, after deducting his statutory fee, pay to the collector all taxes which have been admitted to be due and have been deposited in the registry of the court in connection with pending actions to contest tax assessments.

Section 8. Sections 195.002 and 195.022, Florida Statutes are amended to read:

195.002 Supervision by department of revenue.—The department of revenue shall have general supervision of the assessment and valuation of property so that all property will be placed on the tax rolls and shall be valued according to its just valuation, as required by the constitution. It shall also have supervision over tax collection and all other aspects of the administration of such taxes. The supervision of the department shall consist primarily of aiding and assisting county officers in the assessing and collection functions with particular emphasis on the more technical aspects. In this regard, the department shall conduct schools to upgrade assessment skills of both state and local assessment personnel.

195.022 Forms to be prescribed by department of revenue.—The department of revenue shall prescribe and furnish all forms to be used by assessors, tax collectors, clerks of the circuit court, and boards of tax adjustment in administering and collecting ad valorem taxes. The department shall ~~not~~ prescribe more than two forms for each the same purpose, and shall prescribe only one form unless justified by a substantial difference in the equipment available to the assessor, collector, or clerk. A county officer may use a form other than the form prescribed by the department, but only at the expense of his office and upon obtaining written permission from the executive director of the department. If the executive director finds good cause to grant such permission he may do so, but only for one year, subject to renewal upon reapplication by the county officer. All such officers and their employees shall use the forms and follow the instructions applicable to the forms furnished to them by the department. The forms and instructions applicable to such forms shall not require information or schedules inconsistent with that which the taxpayer submits or is required to maintain for federal income tax purposes. ~~the requirements of the United States Internal Revenue Service for 1974 and 1975.~~ The department shall also prescribe and furnish such aerial photographs and nonproperty ownership maps to the assessors as it deems necessary to insure that all real property within

the state is properly listed on the roll. All forms and maps furnished by the department shall be paid for by the department as provided by law. All forms and maps and instructions relating to their use shall be substantially uniform throughout the state. An officer may employ supplemental forms and maps, at the expense of his office, which he deems expedient for the purpose of administering and collecting ad valorem taxes. *The forms required in §§193.461(3)(a) and 196.011(1), Florida Statutes, for renewal purposes shall require sufficient information for the assessor to evaluate the changes in use since the prior year. If the assessor determines in the case of a taxpayer, that he has insufficient current information upon which to approve the exemption or if the information on the renewal form is inadequate for him to evaluate the taxable status of the property, he may require the resubmission of an original application.*

Section 9. Subsections 195.027(2) and (3), and the introductory paragraph and subsections (1) and (2) of section 195.073, Florida Statutes, are amended and subsection 195.073(4), Florida Statutes, is created to read:

195.027 Rules and regulations.—

(2) *It is the legislative intent that all counties operate on computer programs that are substantially similar and produce data which are directly comparable. The rules and regulations shall prescribe uniform standards and procedures for computer programs and operations for all programs installed in any assessor's office after July 1, 1973. The rules and regulations shall provide for a time schedule by which all programs and procedures in use on July 1, 1973, shall conform with the uniform standards. It is the legislative intent that the department shall require a high degree of uniformity so that data will be comparable among counties and that a single audit procedure will be practical for all assessors' offices.*

(3) The rules and regulations shall provide procedures whereby the assessor, the department of revenue, and the auditor general shall be able to obtain access, where necessary, to financial records relating to nonhomestead property, which records are required to make a determination of the proper assessment as to the particular property in question. Access to a taxpayer's records shall be provided only in those instances in which it is determined that such records are necessary to determine either both the classification or the and value of the taxable nonhomestead property. Access shall be provided only to those records which pertain to the property physically located in the taxing county as of January 1 of each year and to the income from such property generated in the taxing county for the year in which a proper assessment is made.

195.073 Classification of property.—All items required by law to be on the assessment rolls shall receive a classification based upon the use of the property. *The department shall promulgate a uniform definition for all classifications. The department may designate other subclassifications of property. No assessment roll may be approved by the department which does not show proper classifications.*

(1) *Real property shall be classified according to the assessment basis of the land into the following classes:*

~~(1) Real property shall be classified as:~~

(a) Residential.

1. Single family.

2. Mobile homes.

3. Multifamily.

4. Condominiums.

5. Cooperatives.

6. Retirement homes.

(b) Commercial and industrial.

(c) Agricultural.

(d) Nonagricultural acreage.

(e) Exempt, wholly or partially.

(f) Centrally assessed.

(g) Leasehold interests.

(h) Other.

(2) *Personal property shall be classified as:*

(a) Inventory.

(b) Other tangible personal property.

~~(2) Personal property shall be classified as:~~

~~(a) Equipment.~~

~~(b) Exempt.~~

~~(c) Inventory.~~

~~(d) Furniture and fixtures.~~

~~(e) Leasehold interests.~~

~~(f) Other.~~

(4) *When the tax roll is submitted to the department for approval there shall also be appended a statement indicating the total assessed valuation of structures added to and deleted from the assessment roll for that year in each taxing jurisdiction.*

Section 10. Section 195.062, Florida Statutes, is amended to read:

195.062 Manual of Instructions.—The department shall prepare and maintain a current manual of instructions for assessors and other officials connected with the administration of property taxes. This manual shall contain all rules and regulations, all instructions relating to the use of forms and maps, standard assessment procedures, and the standard measures of value prescribed by the department or by general law. The department may also include in such manual any other information which it deems pertinent or helpful in the administration of taxes. Such manual shall provide that platted lands unsold as lots shall be valued for tax assessment purposes on the same basis as any unplatted acreage of similar character until sixty (60) percent of such lands included in one plat shall have been sold as individual lots. *Such manual shall be made available for distribution to the public at a nominal cost to include cost of printing and circulation.*

Section 11. Section 195.087, Florida Statutes, is amended to read:

195.087 Assessors and tax collectors to submit budgets to the department of revenue.—

(1)(a) On or before June 1 of each year, every assessor, regardless of the form of county government, shall submit to the ad valorem tax division of the department of revenue a budget for the operation of his office for the ensuing fiscal year beginning October 1. The assessor shall submit his budget in the manner and form required by the department of administration for state agencies. A copy of such budget shall be furnished at the same time to the board of county commissioners. The division shall, upon proper notice to the county commission and assessor, review the budget request and may, on or before July 15, amend or change the budget request as it deems necessary, in order that the budget be neither inadequate nor excessive. The county commission may, prior to August 15, present testimony to the ad valorem tax division concerning the whole or any part of the budget request.

(b) The governor and cabinet, sitting as the administration commission, may hear appeals from the final action of the ad valorem tax division upon a written request being filed, no later than September 1 by the assessor or the presiding officer of the county commission. The ~~administration commission~~ *assessment administration review commission* may amend the budget if it finds that any aspect of the budget is unreasonable in light of the work load of the assessor's office in the county under review. The budget request as approved by the division and as amended by the commission shall become the operating budget of the assessor for the ensuing fiscal year beginning October 1, except that the budget so approved may subsequently be amended under the same procedure. After final approval the assessor shall make no transfer of funds between accounts without the written approval of the ad valorem tax division.

(2) On or before ~~August~~ *December* 1 of each year, each tax collector shall submit to the department of revenue his budget for the operation of his office for the ensuing fiscal

calendar year, in the manner and form prescribed by the department of revenue. The department shall examine the budget and, if it is found adequate to carry on the work of the tax collector, shall approve the budget and certify it back to the tax collector. If the department finds the budget inadequate or excessive, it shall return such budget to the tax collector, together with its ruling thereon. The tax collector shall revise the budget as required and resubmit it to the department. After the final approval of the budget by the department, there shall be no reduction or increase by any officer, board, or commission without the approval of the department.

(3) *Checks received by the office of the collector which are returned by the bank upon which the check is drawn shall be the personal liability of the tax collector unless the collector proceeds under the provisions of §832.06, Florida Statutes. This subsection shall not apply to ad valorem taxes in which case the collector shall proceed under Chapter 197, Florida Statutes.*

Section 12. Subsections 195.095(1) and (2) and 195.096(2), (3) and (4), Florida Statutes, are amended to read:

195.095 Approved bidder list; standard contracts.—

(1) The department shall accept applications from all persons and firms who desire to contract with assessors, collectors, or county commissions for assessment or collection services or systems or for the sale of electronic data-processing programs or equipment. No application shall be approved unless the assessment procedures on the electronic data-processing programs fully meet the regulations of the department relating to uniformity of assessment. The regulations shall insure that the person or firm has sufficient and modern equipment as well as the necessary technology to fulfill the type of contract on which the person or firm proposes to bid. The firm or person shall be approved to bid only on the type of contract for which it is qualified. *Chapter 475, Florida Statutes, shall not apply to persons contracting under the provisions of this section.* The department shall establish a list of approved bidders for such contracts based upon an evaluation of each person's or firm's ability to comply satisfactorily with such contracts and the person's or firm's past performance on similar contracts. Any person or firm that has not fully complied with the terms of a contract with a Florida assessor, collector, or county commission shall be removed from the approved list for future contracts until there is full compliance. No assessor, collector, or county commission may contract for an assessment services or purchase of data-processing programs or equipment for use by the assessor or collector unless the vendor is on the approved state bidder list.

(2) The department shall promulgate a standard contract containing the minimum standards that must be included in all contracts entered into with approved bidders. *All contracts shall contain a requirement that the contractor shall post a performance bond and that the bond shall remain in effect at least one (1) year after the completion of the contract. All contractors and bonding companies shall disclose all sureties, endorsers and guarantors of performance.* Any provision of the standard contract may be deleted or added to only with written approval of the department. The department shall, at the minimum, promulgate standard contracts for mass data reappraisals and computer service programs and equipment.

195.096 Audit of assessment rolls.—

(2) *Beginning with 1974, the auditor general shall conduct, no less frequently than once every three years, an in-depth audit of the assessment rolls of each county. The auditor general need not study every use class of property set forth in §195.073, but shall study the level of assessment in relation to just value of such classifications and such other strata as are significant in a particular county. Such in-depth audit may include proceedings of the board of tax adjustment.*

(a) The auditor general shall, at least thirty days prior to the beginning of an in-depth audit in any county, notify the assessor in the county of the pending audit. At the request of the assessor, the auditor general shall consult with the assessor regarding the classifications and strata to be studied, in order that the audit will be useful to the assessor in evaluating his procedures.

(b) Every assessor whose roll is subject to an in-depth audit in the current year shall, upon completion of the assessment roll no later than May 1, deliver a list of the parcel numbers of all parcels that did not appear on the assessment

roll of the previous year, indicating the parcel number of the parent parcel from which each new parcel was created or "cut out."

(c) In the conduct of assessment ratio studies, the auditor general shall utilize a statistically reliable sample of properties in tests of each classification, stratum, or roll made the subject of a ratio study published by him. Computations for the ratio studies shall use that measure of central tendency which most accurately reflects the true ratio for that particular classification, stratum, or roll.

(d) In the conduct of such audits, the auditor general shall adhere to all standards to which the assessors are required to adhere.

(e) The auditor general, the department, and each assessor shall cooperate in the conduct of such audits and each shall make available to the others all matters and records bearing on the preparation and computation of such audits.

(f) The auditor general shall complete a county's audit and forward his findings, *except for portions of the audit relating to personal property, together with all of his work product upon which his findings are based, including a statement of the confidence interval for each stratum or classification studied and for the roll as a whole, employing a 95 percent level of confidence, to the department and the appropriate assessor within one hundred twenty days following the receipt of the county's assessment roll by the executive director of the department pursuant to §193.114(5), but in no event later than January 1. The auditor general shall complete the personal property audit and forward his findings to the assessor and the department by no later than March 1.* For any roll submitted to the department for approval after December 21, and upon good cause shown, the joint legislative auditing committee may grant the auditor general an extension of ten days from the submission date of the roll in which to complete his audit.

(3) For those counties not being studied in the current year, the auditor general shall project levels of assessment for each roll not subject to an in-depth audit in the current year. The auditor general shall make his projection based upon the best information available. *The projections are recognized to be approximations only and shall not be used as the sole basis of any legal or administrative action.*

(4) It is declared to be the legislative intent that approval of the rolls by the department pursuant to §193.114(5) and certification by the board of tax adjustment pursuant to §193.122(1) *do not necessarily reflect that the assessment rolls currently meet the requirement of just value of §4, Article VII of the state constitution. It is further declared to be the intent and recognition of the legislature that such approval and certification shall not be deemed to impugn the use of post-certification audits to require adjustments in the preparation of succeeding assessment rolls to insure that such succeeding assessment rolls do meet the constitutional mandates of just value.*

Section 13. Subsection (2) of section 195.106, Florida Statutes, is amended to read:

(Substantial rewording of subsection. See §195.106(2), Florida Statutes, for present text.)

§195.106 Department of revenue to pass upon and order refunds.—

(2) When the department of revenue orders refunds it shall forward a copy of its order to the tax collector who shall then determine and certify to the county, school districts, and each other taxing district their pro rata share of such refund. The board of county commissioners, the district school board, and the governing authority of each taxing district shall comply with the order of the department by providing in their budget for the ensuing year for the payment of their pro rata share of such refund, and each shall have authority to authorize such tax levy as may be necessary to provide the funds with which to make the refund so ordered. Nothing contained in this subsection shall be construed to authorize any taxing authority to make any tax levy in excess of the maximum authorized by the Constitution or the laws of Florida.

Section 14. Subsections 195.097(2), 196.011(1), 196.012(10) and 196.111(1) and (2), Florida Statutes, are amended and 196.011(4) is created to read:

195.097 Postaudit review of rolls; supervision by the department.—

(2) Within fifteen days after receipt of a notice, but no later than February 1, the assessor shall either notify the executive director in writing of his intention to comply or request an immediate conference with the executive director for the purpose of attempting to resolve differences between himself and the executive director. Such conference shall be held no later than February 15. At the conclusion of such conference, but no later than March 1, the executive director shall issue his administrative order, which order shall incorporate the remedial steps, if any, to be taken by the assessor to insure that all property on his rolls is assessed at just value. An administrative order shall also be issued in the case of an assessor who has stated his intention to comply. *The department may, with respect to the personal property assessment roll, amend its March 1 order prior to March 15 in those counties in which the auditor general has audited the prior year's personal property assessment roll.*

196.011 Annual application required for exemption.—

(1) Every person or organization who has the legal title to real or personal property which is entitled by law to exemption from taxation as a result of its ownership and use shall, before March April 1 of each year, file an application for exemption with the county tax assessor, listing and describing the property for which exemption is claimed and certifying its ownership and use. The department of revenue shall prescribe the forms upon which the application is made. Failure to make application, when required, by March April 1 of any year shall constitute a waiver of the exemption privilege for that year. However, application for exemption will not be required on public roads rights-of-way and borrow pits owned, leased, or held for exclusive governmental use and benefit or on property owned and used exclusively by a municipality for municipal or public purposes in order for such property to be released from all ad valorem taxation. *The owner of property that received an exemption in the prior year may re-apply on a short form as provided by the department.*

(4) *The tax assessor may accept, in lieu of the annual application for exemption, a statement certified under oath that there has been no change in the ownership and use of the property, when any property has been determined to be fully exempt from taxation because of its exclusive use for religious, literary, scientific, or charitable purposes and the application for its exemption has met the criteria of §196.195.*

196.012 Definitions.—For the purpose of this chapter the following terms are defined as follows except where the context clearly indicates otherwise:

(10) "Totally and permanently disabled persons" means those persons who are currently certified by the ~~Florida department of health and rehabilitative services~~, two licensed physicians of this state who are professionally unrelated, or the veterans' administration to be totally and permanently disabled.

196.111 Tax assessors to notify persons entitled to homestead exemption; publication of notice; costs.—

(1) As soon as practicable after February 1 and prior to February 5 15 of each current year, the tax assessors of the several counties shall mail to each person to whom homestead exemption was granted for the year immediately preceding and whose application for exemption for the current year has not been filed as of February 1 thereof, a form for application for homestead exemption, together with a notice reading substantially as follows:

NOTICE TO TAXPAYERS ENTITLED TO HOMESTEAD EXEMPTION

Records in this office indicate that you have not filed an application for homestead exemption for the current year. If you wish to claim such exemption, please fill out the enclosed form and file it with your tax assessor on or before March April 1, 19.....

Failure to do so shall constitute a waiver of said exemption for the year 19.....

Tax Assessor
County, Florida

(2)(a) On or before March 10 of each current year, the tax assessors of the several counties shall compile a list of the names and addresses of each person to whom notice has been mailed as provided in subsection (1) of this section and who has failed to file his claim for homestead exemption as of March 1 of said year, and such list may be published once each week for two consecutive weeks in some newspaper which shall have been continuously published in the county for a period of not less than one year prior thereto, preceded by the following notice, the caption to which shall be in bold face type of not less than six point type:

NOTICE TO PERSONS ENTITLED TO HOMESTEAD EXEMPTION

Notice is hereby given that each of the following named persons will forfeit his right to homestead exemption unless he shall file his application for such exemption with the county tax assessor on or before April 1 of this year. Application forms may be obtained from the office of the tax assessor.

(b) If there be no such newspaper published in the county, then such publication may be by posting in three public places in the county, one of which shall be at the courthouse. The newspaper charges for such advertising shall be fifteen cents per line for two insertions per single column. Charges at the rate specified herein shall be computed and paid on the basis of six point type on six point body without discount, rebate, commission or refund.

(c) If the assessor fails to publish such list under either of the above methods, the tax assessor shall, on or before March 15, mail a notice to each person who has failed to file his claim for homestead exemption as provided for in subsection (1) as of March 1 of said year.

Section 15. Sections 196.131, 197.018 and 197.121, Florida Statutes, are amended to read:

196.131 Homestead exemptions; claims.—

(1) LARGE COUNTIES.—

(a) Each taxpayer who claims said exemption shall file one of said forms, properly filled out and executed, with the assessor on or before March April 1 of each year; and the failure to do so shall constitute a waiver of said exemption for such year; provided, however, that for the year 1935 such claim may be filed on or before July 1, 1935. At the time each taxpayer files claim for homestead exemption, the tax assessor shall deliver to him a receipt over his signature, or that of a duly authorized deputy, which shall appropriately identify the property covered in the application, shall bear date as of the day such application is received by the assessor, and any serial number or other identifying data desired by said assessor. The possession of such receipt shall constitute conclusive proof of the timely filing of such application.

(b) Provided, however, this subsection (1) shall not apply to counties of the state having a population of not more than 27,500 according to the official census of 1940.

(2) SMALL COUNTIES.—Each taxpayer who claims said exemption shall file one of said forms, properly filled out and executed, with the assessor on or before April 1st of each year; and the failure to do so shall constitute a waiver of said exemption for such year.

(2) (3) Any person who shall knowingly give false information for the purpose of claiming homestead exemption as provided for in this chapter, specific reference being hereto made, to the information requested in the form provided for in §196.121, shall be guilty of a misdemeanor of the second degree, punishable as provided in §775.082 or §775.083.

197.018 Tax certificate Delinquent tax notice.—The tax collector shall mail to each taxpayer at the address shown on the latest tax roll, a notice stating that there is a tax certificate are delinquent taxes against a parcel of real property taxable to him. The notice shall be given by first class mail annually with or prior to the mailing of the current tax notices.

197.121 Collector not to sell certificates on land on which taxes have been paid; penalty.—If any tax collector sells any tax certificates on land upon which the taxes have been paid, upon written demand by the aggrieved taxpayer alleging the circumstances, the tax collector shall initiate action to cancel any improperly issued tax certificate or deed in accordance

with the provisions of §197.206. If the tax collector fails to act within a reasonable time, ~~his office~~ he shall be liable for all legitimate expenses to which the aggrieved taxpayer may be put in clearing his title, including a reasonable attorney's fee. The office of the tax collector shall be responsible to the publisher for costs of advertising lands on which the taxes have been paid, and the office of the tax assessor shall be responsible to the publisher for the costs of advertising lands doubly assessed or assessed in error.

Section 16. Subsections 200.065(1), (2), (3), (5) and (8) are amended and 200.065(9), Florida Statutes, is created to read:

200.065 Method of fixing millage.—

(1) At the time the assessment roll is prepared and published, the assessor shall certify to each taxing authority the taxable value within the jurisdiction of the taxing authority. The assessor shall also send to each taxing authority a copy of the statement required to be submitted under §195.073(3), Florida Statutes, as applicable to that taxing authority. ~~Written statement of his best estimate of the total assessed value of all new construction and improvements not included on the previous assessment roll and the value of deletions from the previous assessment roll. Exclusive of such new construction, improvements, and deletions, the assessor shall certify to each taxing authority a millage rate which will provide the same ad valorem tax revenue for each taxing authority as was levied during the prior year. For the purpose of calculating the certified millage, the assessor shall use 95 percent of such the taxable value appearing on the roll, exclusive of properties appearing for the first time on the assessment roll.~~

(2) ~~(3)~~ No millage in excess of the assessor's certified millage shall be levied until a resolution or ordinance has been approved by the governing board of the taxing authority, which resolution or ordinance must be approved by said taxing authority according to the following procedure:

(a) After the meeting finalizing the budget the ~~The~~ taxing authority shall advertise its intent to exceed the assessor's certified millage in a newspaper of general circulation in the county, as provided in subsection (3)~~(2)~~ of this section. ~~The advertisement shall state that the taxing authority will meet on a day, at a time and place fixed in the advertisement, which The public hearing shall be approximately seven days after the day that the advertisement is published, shall be held after 5:00 P.M. and shall be for the purpose of hearing comments regarding the proposed increase and to explain the reasons for the proposed increase. The meeting may coincide with the meeting on the tentative budget as required by law.~~

(b) The taxing authority, after the first public hearing has been held in accordance with paragraph (a), shall readvertise and meet again within two weeks to the above procedures, may adopt a resolution or ordinance levying a millage rate in excess of the certified millage. ~~If the resolution or ordinance adopting said millage rate is not approved on the day of the public hearing, the The advertisement shall be as provided in subsection (3). The day, time, and place at which the resolution or ordinance will be scheduled for consideration and approval by the taxing authority must be announced at the first public hearing. If the resolution or ordinance is not adopted within to be considered at a day and time that is more than two weeks from the first public hearing, the taxing authority must again advertise and meet in the same manner as provided in this subsections (2) and (3)(a). The adoption of the budget and the levy of the millage shall be by separate vote.~~

(3)(a)~~(2)~~ No taxing authority shall budget an increased amount of ad valorem tax revenue exclusive of revenue from ad valorem taxation on properties appearing for the first time on the assessment roll, unless it advertises its intention to do so at the same time that it advertises its intention to fix its budget for the forthcoming fiscal year, employing the following format:

NOTICE OF TAX INCREASE

The _____ proposes to increase your
(name of the taxing authority)
property taxes.

A public hearing on the increase will be held on _____
(date)

_____ at _____
(and time) (meeting place)

NOTICE OF AD VALOREM TAX LEVY

Notice is hereby given that on the _____ day of _____, 19____, at _____ in the city of _____, in the county of _____, the _____ intends to levy upon the assessment roll of the year 10____ taxes for the fiscal year beginning on the first day of _____, 10____ at the rate of \$_____ per \$1,000 valuation. Certification has been made by the Assessor of the county of _____ that a tax rate of \$_____ per \$1,000 valuation will yield the same amount of tax revenue as that levied during the current year. The following financial summary is provided for information of all persons concerned:

	Current Fiscal Year	Proposed Next Year
Total Budgeted Requirements	\$_____	\$_____
Budgeted Ad Valorem Tax \$_____ per \$1,000	_____	_____
Budgeted Ad Valorem Tax \$_____ per \$1,000	_____	_____
Budgeted Other Revenues	_____	_____
<hr/>		
(Governing Authority)		
By _____		
(Name and Title)		

The advertisement shall be no less than one quarter (1/4) page in size and the smallest type used shall be eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general circulation in the county. It is the legislative intent that whenever possible that the advertisement shall appear in a newspaper that is published at least six (6) days a week. It is further the legislative intent that the newspaper selected shall be one of general interest and readership in the community and not one of limited subject matter.

(b) In lieu of publishing the notice set out in this subsection the taxing authority may mail a copy of the notice to each elector residing within the jurisdiction of the taxing authority.

(5) The assessor shall notify each taxing authority of the aggregate ~~any~~ change in the assessment roll which results from actions by the board of tax adjustment, or from corrections of errors in the assessment roll. Such notification shall be delivered within one (1) week after the certification in §193.122 (1), Florida Statutes. An increase in the taxing authority's millage above that certified by the assessor or adopted by resolution or ordinance of the governing body of the taxing authority which is required solely by a reduction of the assessment roll by five percent (5%) or less due to actions of the board of tax adjustment or errors in the assessment roll may be approved by the department of revenue without further proceedings under this section. Upon a showing that the total such reduction is five percent (5%) or less of the assessment roll. If the reduction is more than five percent (5%), then the assessor shall recertify the millage. Only those taxing authorities which had voted to levy a millage equal to or less than the prior certified levy which are in excess of the new certified levy need proceed to advertise as required herein to maintain the tax levy approved by the taxing authority ~~has occurred~~.

(8) Upon written request from the presiding officer of a taxing authority within the county, the assessor shall deliver to the presiding officer for budget planning purposes an estimate of the total assessed value of nonexempt property for the current year. The assessor shall deliver the estimate within ten days after receipt of the request, but in no event shall he be required to deliver an estimate earlier than June May 1.

(9) Multi-county taxing authorities shall be subject to the provisions of this section. The term taxable value shall mean the taxable value of all property subject to tax by the authority. The assessor shall not certify a millage to multi-county taxing authorities but rather shall submit to the department of revenue the taxable value of property in his county which is subject to taxation by the multi-county taxing authority and the executive director of the department of revenue shall certify the millage to such authorities. If the department has not received such information from a county by September 1, it shall make the certification based upon the best information available. The multi-county district shall add to the advertisement set forth in subsection (3) just prior to the names of

the members of the taxing authority the following sentence:
This tax increase is applicable to _____

(name of county(ies))

county(ies). The provisions of this section shall not apply to any multi-county taxing authority wherein the district or board is limited by law to ad valorem tax revenues based on separate levies of one mill or less.

Section 17. Subsections 218.36(1), (2) and (4), Florida Statutes, are amended to read:

218.36 County officers; record and report of fees and disposition of same.—

(1) Each county officer who receives ~~all or any part of his~~ expenses or compensation in fees, commissions, or other remuneration, shall keep a complete ~~record report of~~ all fees, commissions, or other remuneration collected by him and shall make an annual report to the board of county commissioners within fifteen days of the close of his fiscal year. Such report shall specify in detail the purposes, character, and amount of all official expenses and the amount of net income or unexpended budget balance as of the close of the fiscal year. All officers shall prepare such reports and subscribe under oath as to their accuracy and propriety.

(2) On or before the date for filing the annual report, each county officer shall pay into the county general fund all money in excess of the sum to which he is entitled under the provisions of chapter 145. Whenever a tax collector ~~or an assessor of any county~~ has money in excess, he shall distribute the excess to divide the excess into a portion for each governmental unit ~~paying fees, and each governmental unit in the same proportion as the fees paid by the governmental unit bear to the total fee income of his office shall receive as its proportion of the excess fees that proportion of said excess fees that its fee payment represents of the officer's total fee income. Any excess held by an assessor shall be divided into parts for each governmental unit which was billed and which paid for the operation of the assessor's office in the same proportion as the governmental units were originally billed. Such part shall be an advance on the current year's bill, if any.~~

(4) Compliance by a county officer with the provisions of this section shall exempt said officer from making any report required pursuant to §116.03.

Section 18. Subsections (1), (3) and (4) of section 373.536, Florida Statutes, are amended and subsection (5) is added to said section to read:

§373.536 District budget and hearing thereon.—

(1) Commencing ~~October 1, 1975~~ ~~July 1, 1956~~, the fiscal year of districts created under the provisions of this chapter shall extend from ~~October 1~~ ~~July 1~~ of one year through ~~September 30~~ ~~June 30~~ of the following year. The governing board of the district, shall on or before ~~July 15~~ ~~between April 1 and 10~~ of each year complete the preparation of a tentative budget for the district covering its proposed operation and requirements for the ensuing fiscal year. The budget shall set forth, classified by object and purpose, and by fund if so designated, the proposed expenditures of the district for bonds or other debt, for construction, for acquisition of land, and other purposes, for operation and maintenance of the district's works, the conduct of the affairs of the district generally, to which may be added an amount to be held as a reserve.

(3) On a date to be fixed by the governing board, ~~between April 10 and 20~~ of each year the board shall publish a notice of its intention to adopt the budget or as the same may be amended for the district for the ensuing fiscal year. The notice shall set forth the tentative budget in full, and shall be notice to all owners of property subject to the district taxes that on a date and at a place appearing in the notice, opportunity will be afforded to such owners, their attorneys or agents, to appear before the board and show their objections to the budget. The notice shall be published for two consecutive weeks in ~~one (1) or more newspapers any newspaper~~ qualified to accept legal advertisements having a combined general circulation in the counties ~~each county~~ having land in the district, the last insertion of which shall appear not less than one nor more than three weeks prior to the date set by the board for the hearing on the budget, or if there be no such newspaper then by posting the notice as provided by §50.021.

(4) The hearing will be by and before the governing board of the district on a date to be fixed by the board not sooner than one week and not later than three weeks after the date of the last publication of notice of intention to adopt the budget and may be continued from day to day until terminated by the board. Promptly thereafter, the governing board shall give consideration to objections filed against the budget and in its discretion may amend, modify or change the tentative budget. The board shall ~~by June 10 following~~ adopt a final budget for the district which shall thereupon be the operating and fiscal guide for the district for the ensuing year; provided, however, transfers of funds may be made within the budget by action of the governing board at a public meeting of the governing board. Should the district receive unanticipated funds after the adoption of the final budget, the final budget may be amended by including the said funds, so long as notice of intention to amend shall be published one time in ~~one (1) or more newspapers a newspaper~~ qualified to accept legal advertisements having a combined general circulation in the counties ~~each county~~ in the district. The notice shall set forth the proposed amendment and shall be published at least ten days prior to the public meeting of the board at which the proposed amendment is to be considered. Provided, in the event of disaster or of emergency arising to prevent or avert the same, the governing board shall not be limited by the budget but shall have authority to apply such funds as may be available therefor or as may be procured for such purpose.

(5) For the period from July 1, 1974, through September 30, 1975, the districts created pursuant to this chapter may adopt two (2) separate budgets to cover a twelve (12) month fiscal year and a three (3) month fiscal year or a single budget to cover a fifteen (15) month fiscal year. Other than the times specified, such budgets shall be adopted in compliance with the provisions of this section.

Section 19. Chapter 120, Florida Statutes, shall not apply to sections 193.114, 195.096, 195.097 and 195.098, Florida Statutes.

Section 20. Sections 193.115, 195.201, 195.202, 195.203, 195.204, 195.205 and 195.206, Florida Statutes, and subsections 195.027(5), 195.027(6), 195.073(3), and 195.106(3), Florida Statutes are repealed.

Section 21. (1) Section 18 of this act shall apply notwithstanding the passage of a committee substitute for house bills 2672, 2434 and 2583 or substantially similar legislation.

(2) This act shall take effect July 1, 1974, except that the present subsection 195.073(2) shall be repealed effective January 1, 1974, and the new material contained in subsection 195.073(2), Florida Statutes, and in lieu thereof, shall take effect December 31, 1974, further excepted that section 3 of this act shall take effect December 31, 1974, and shall be applicable beginning with the 1975 assessment roll.

Senator Graham moved the following amendments to Amendment 1 which were adopted:

Amendment 1a—On page 6, lines 8 through page 7, line 19, strike all of Section 3.

Renumber subsequent sections accordingly.

Amendment 1b—On page 16, lines 28 through page 17, line 2 strike the lines and insert: to them by the department. The forms and instructions applicable to such forms shall not require information or schedules inconsistent with the

Amendment 1c—On page 44, line 6, strike "195.027(6),"

Amendment 1d—On page 44, strike lines 15 through 18 and insert: subsection 195.073(2), in lieu thereof, shall take effect December 31, 1974.

Amendment 1e—On page 44, between lines 3 and 4, insert: Section 20. Subsection 195.027 (6), Florida Statutes, is amended to read:

(Substantial rewording. See subsection 195.027 (6), Florida Statutes for present text)

195.027 Rules and Regulations.—

(6) The rules and regulations prescribed by the department shall require a return of tangible personal property, other than inventory, which shall include the following:

(a) a general identification and description of the property, or where more than one item constitutes a class of similar items, a description of the class;

(b) the location of such property;

(c) the original cost of such property and in the case of a class of similar items, the average cost;

(d) the age of such property and in the case of a class of similar items, the average age;

(e) the condition, including functional and economic depreciation or obsolescence; and

(f) The taxpayer's estimate of fair market value.

For purposes of this subsection, a class of property shall include only those items which are substantially similar in function and use. Nothing in this chapter shall authorize the department to prescribe a return requiring information other than that contained in this subsection; nor shall the department issue or promulgate any rule or regulation directing the assessment of property by the consideration of factors other than those enumerated in Florida Statutes Section 193.011.

(Renumber subsequent sections accordingly)

Senator Plante moved the following amendment to Amendment 1 which was adopted:

Amendment 1f—On page 5, line 18, between the words "All" and "companies" insert: *private car and freight line and equipment*

Senator Myers moved the following amendments to Amendment 1 which were adopted:

Amendment 1g—On page 25, line 21, [after 196.131] insert: 197.012,

Amendment 1h—On page 27, line 23, insert a new section and renumber.

Section 197.012, Florida Statutes, is amended to read:

197.012 When taxes due; discounts if paid before certain time.—All taxes shall be due and payable on November 1 of each year or as soon thereafter as the assessment roll, of which he shall give notice by publication, may come into the hands of the tax collector. The tax collector is hereby vested with the power, and it shall be his duty, to collect all taxes as shown on the tax roll, which taxes shall become delinquent on April 1 following the year in which they are assessed. *In the event fee title to such property shall be acquired on the first day of January in any such year and before the first day of November in such year by a governmental unit exempt under this chapter by purchase, condemnation or otherwise or shall be acquired by purchase, condemnation or otherwise for use exclusively for federal, state, county or municipal purposes, the taxpayer shall be required to place in escrow with the tax collector of the county in which the property is located, an amount equal to 120% of the previous year's tax bill. This fund shall be used to pay any ad valorem taxes due and the remainder shall be returned to the taxpayer.* On all taxes assessed on the county tax rolls and collected by the county tax collector, discounts for early payment thereof shall be at the rate of four (4) percent in the month of November and at any time within thirty (30) days after the mailing of the original tax notice; three (3) percent in the month of December; two (2) percent in the following month of January; and one (1) percent in the following month of February. The taxes paid in March shall be without discount. It shall also be his duty, and he is hereby vested with the power, to collect by sale of the tax liens on the real property and by seizure and sale of personal property, all taxes assessed on the roll and which are not paid prior to April 1 of the year following the year in which the taxes are assessed.

Senator Zinkil moved the following amendment to Amendment 1 which failed:

Amendment 1i—On page 34, line 11, strike "until" and insert: —. If an emergency exists that will require additional millage, it may be levied only after—

Senators Glisson and Trask offered the following amendment to Amendment 1 which was moved by Senator Glisson:

Amendment 1j—On page 43, line 31, insert: Section 19. Section 193.507, Florida Statutes, is created to read as follows:

(1) The tax assessor, on an annual basis, shall determine what land lying within the county has by rule been designated an area of critical state concern or any part thereof by the administration commission under the provisions of section 380.05, Florida Statutes, 1972 Supplement, and over which land development regulations have been approved or established pursuant to the provisions of said section.

(2) Any landowner whose land has been assessed on the basis of a use which has been prohibited by the land development regulations adopted or approved pursuant to the designation of an area of critical state concern may on or before April 1, of each year, petition the tax assessor for a reclassification and reassessment of the land for the upcoming tax year.

(3) The tax assessor shall examine the petition, the land development rules and regulations in effect within the area of critical state concern and the land, and shall secure any other information necessary. The tax assessor shall then make a determination of the highest and best use to which the land could have been expected to have been put under the existing tax classification and shall determine whether or not the land development regulations approved or established under the designation make development to that extent no longer possible. If development of the land to the maximum extent allowed within the present tax classification is no longer possible because of the land development regulations, then the tax assessor shall reclassify the land to the classification which corresponds most nearly to the land development which would be allowed under the land development regulations in effect and shall reduce the assessed valuation accordingly.

(4) Any landowner, owning land within an area of critical state concern over which land development regulations have been approved or established, who has properly petitioned the tax assessor for a reclassification and reassessment but has been denied such reclassification and reassessment may appeal to the board of tax adjustment. The board may review upon its own motion the classification of any land within an area of critical state concern.

(5) If the tax assessor shall determine that the use of the land has been affected by the land development regulations approved or established, and if the tax assessor shall then reclassify and reassess the property he shall report same to the department of revenue along with an estimation of the tax revenue lost by reason of the reclassification and reassessment to the county, district school board and any other special tax districts authorized by general law to levy and collect taxes.

(Renumber subsequent sections)

Amendment 1j failed by the following vote:

Yeas—15

Deeb
Glisson
Gruber
Henderson

Johnson
McClain
Peterson
Poston

Sims
Stolzenburg
Trask
Ware

Weber
Wilson
Zinkil

Nays—15

Brantley
Firestone
Gallen
Gillespie

Graham
Lane (31st)
Lane (23rd)
Lewis

Myers
Saunders
Scarborough
Smathers

Vogt
Williams
Winn

Senator Graham moved the following amendment to Amendment 1 which was adopted:

Amendment 1k—On page 43, line 31, insert Section 19.

Subsection (2) of section 193.011(2), Florida Statutes is amended to read:

(2) The highest and best use to which the property can be expected to be put in the immediate future and the present use of the property *taking into consideration any applicable local or state land use regulation.*

On motion by Senator Glisson the Senate reconsidered the vote by which Amendment 1k was adopted. The question recurred on Amendment 1k and the amendment was adopted.

Senator Glisson was recorded as voting nay on the adoption of Amendment 1k.

On motion by Senator Smathers the Senate reconsidered the vote by which amendment 1j failed. The question recurred on amendment 1j and the amendment was adopted by the following vote:

Yeas—18

Mr. President	Johnson	Sims	Weber
Deeb	Lane (31st)	Smathers	Wilson
Gallen	McClain	Sykes	Zinkil
Glisson	Peterson	Trask	
Gruber	Plante	Ware	

Nays—13

Brantley	Johnston	Saunders	Winn
Firestone	Lewis	Scarborough	
Gillespie	Pettigrew	Vogt	
Graham	Poston	Williams	

Senator Weber moved the following amendment to Amendment 1 which was adopted:

Amendment 1l—On line 17, strike “(.) period” and insert: , (comma) and considering any moratorium imposed by executive order, law, ordinance, regulation, resolution, or proclamation adopted by any governmental body or agency or the governor when the moratorium prohibits or restricts the development or improvement of property as otherwise authorized by applicable law.

Senators Wilson and Plante offered the following amendment to Amendment 1 which was moved by Senator Wilson and adopted:

Amendment 1m—On page 44, line 7, after “195.106(3),” insert: and §195.085,

Senator Gallen moved the following amendment to Amendment 1 which was adopted:

Amendment 1n—On page 22, lines 28 and 29, strike “the collector proceeds under the provisions of 832.06 Florida Statutes” and insert: the collector after due diligence to collect the returned check forwards the returned check to the State Attorney of the circuit where the check was drawn for prosecution.

Senators Lane (31st), Weber, Zinkil and Stolzenburg offered the following amendment to Amendment 1 which was moved by Senator Lane (31st):

Amendment 1o—On page 33, line 20, insert:

200.065 Method of fixing millage in year of reassessment.—

(1) After the preliminary county tax roll has been prepared, the tax assessor shall certify to each taxing authority the preliminary taxable value within the jurisdiction of the taxing authority together with the certified millage that will provide the same ad valorem revenue for that authority plus any additional revenue from properties and/or improvements appearing for the first time on the tax roll.

(2) No increase in millage in excess of ten percent (10%) of the base millage shall be allowed unless a governmental unit determines that a millage increase of ten percent (10%) over the base millage will not, due to impending emergencies, provide adequate funds. The governmental unit shall then adopt a resolution stating the emergency and the fact that unless additional funds are made available the governmental unit will be seriously impaired in meeting its legal duties and obligations. Upon the adoption of the resolution, the governmental unit may propose an additional millage increase up to five percent (5%) of the base millage. The governmental unit shall publish the resolution, the proposed millage increase, and

the date, time, and place of the public meeting at which the proposed increase will be considered, once each week for two (2) weeks prior to the meeting. At the meeting, the millage shall be explained and opportunity afforded the public to discuss the proposed budget and millage increase. In no event shall there be any millage increases in excess of the increases allowed in subsection (2) and (3).

(3) Each governmental unit increasing its millage under the provisions of subsection (2) and (3) shall enter in the minutes of the meetings a certificate of compliance with the procedures of this section. The governmental unit shall submit its budget in summarized form and the reasons for the millage increase to the department of revenue. The governmental unit shall submit such further information as the department of revenue may require in order that it can be determined that the governmental unit has properly determined its base millage. The department shall within fifteen (15) days after the receipt of the information from the governmental unit, notify that governmental unit as to the determination of the department as to whether the proposed millage increases are in compliance with this section. No governmental unit may levy any millage found by the department of revenue not to be in compliance with this section.

(4) Nothing contained in this section shall serve to extend or authorize any millage in excess of the maximum millage permitted by law nor prevent the reduction of millage. Further, nothing contained herein shall prevent any governmental unit from levying at least three (3) mills except school districts which shall not be prevented from levying at least the required local effort for the support of schools.

(5) The tax assessor shall notify each taxing authority of any change in the certified millage due to action by the board of tax adjustment. A subsequent change in the tax authority's millage due to actions by the board of tax adjustment may be approved by the department of revenue based upon evidence of such action having occurred.

(6) At the time the assessment roll is prepared and published, the assessor shall certify to each taxing authority the taxable value within the jurisdiction of the taxing authority. The assessor shall also send to each taxing authority a copy of the statement required to be submitted under §195.073(3), Florida Statutes, as applicable to that taxing authority. ~~written statement of his best estimate of the total assessed value of all new construction and improvements not included on the previous assessment roll and the value of deletions from the previous assessment roll. Exclusive of such new construction, improvements, and deletions, the assessor shall certify to each taxing authority a millage rate which will provide the same ad valorem tax revenue for each taxing authority as was levied during the prior year. For the purpose of calculating the certified millage, the assessor shall use 95 percent of such the taxable value appearing on the roll, exclusive of properties appearing for the first time on the assessment roll.~~

Amendment 1o failed by the following vote:

Yeas—16

Childers	Henderson	McClain	Trask
Deeb	Johnston	Sims	Ware
Glisson	Lane (31st)	Stolzenburg	Weber
Gruber	Lane (23rd)	Sykes	Zinkil

Nays—18

Mr. President	Graham	Pettigrew	Smathers
Firestone	Johnson	Plante	Vogt
Gallen	Lewis	Poston	Williams
Gillespie	Myers	Saunders	
Gordon	Peterson	Scarborough	

Amendment 1 as amended was adopted.

The Committee on Ways and Means offered the following amendment which was moved by Senator Williams:

Amendment 2—Strike entire title, through page 2, line 28 and insert: A bill to be entitled An act relating to ad valorem taxes; relating to assessors' and collectors' budgets and commissions; amending §§192.091(1), 192.102(1), 193.085(4), 193.-

114(5), 193.122(1), 193.461(3), 194.015, 194.032(3) and (5), 194.171(2), (5) and (6), 195.002, 195.022, 195.027(2) and (3), the introductory paragraph and subsections (1) and (2) of §195.073, 195.087, 195.095(1) and (2), 195.096(2), (3) and (4), 195.097(2), 196.011(1), 196.012(10), 196.111(1) and (2), 196.131, 197.018, 197.121, 200.065(1), (2), (3), (5) and (8), 218.36(1), (2) and (4), and 373.536(1), (3) and (4), all Florida Statutes; creating sections 193.012, 193.075, 193.116, 193.122(4), 195.073(4), 196.011(4), 200.065(9) and 373.536(5), Florida Statutes; providing for clarification of the assessment of railroad and private car lines; providing for municipal assessment rolls; providing for the memberships, procedures, operation and duties of the board of tax adjustment; providing dates and short forms for the submission of annual applications to the tax assessor; amending §195.106(2), Florida Statutes, to provide for tax refunds; providing duties of the department of revenue; providing for forms by the department of revenue; providing for the use and form of computer programs; providing for classification of property on the assessment roll; providing for disposition of returned checks; including collectors and county commissions in the state standard contracts and approved bidder lists for assessment and collection contracts; providing qualifications for bidders on assessment and collection contracts; establishing presumptions of law relating to the assessment of mobile homes; providing dates and duties of the auditor general in auditing county assessment rolls; providing method of determining total and permanent disability; providing notices relating to homestead exemption and tax certificates; providing for office liability of the collector for errors; providing for millage rollback; providing method of fixing millage including newspaper notice and public hearings; providing dates to drainage district budgets to correlate with assessment rolls; providing notice of drainage district tax levies; providing for the non-applicability of the administrative procedures act to certain acts of the department of revenue; amending section 193.011, Florida Statutes, providing for just valuation of real property; creating section 193.012, Florida Statutes, providing for just valuation of tangible personal property; providing legislative intent; providing maximum depreciation of assets; providing exceptions; providing for the nonexclusion of the assessment factors enumerated in section 193.011, Florida Statutes; providing for application to personal property tax returns filed for 1975 tax rolls; providing for distribution to the public of manual of instructions; repealing sections 193.115, 195.073(3), 195.201, 195.202, 195.203, 195.204, 195.205, 195.206, and 195.027(5), 195.027(6), Florida Statutes; repealing provisions relating to municipal assessment rolls; repealing provisions for the confidential information sales information forms; repealing section 195.106(3), Florida Statutes, relating to certain budget inclusions and tax levies in some counties; providing an effective date.

Senator Myers moved the following amendment to Amendment 2 which was adopted:

Amendment 2a—On page 2, line 12, after “;” insert: providing an escrow account for government purchases;

Senators Glisson, Ware and Trask offered the following amendment to Amendment 2 which was moved by Senator Glisson and adopted:

Amendment 2b—On page 2, line 31, after the word “instructions,” insert: creating §193.507, Florida Statutes, relating to areas of critical state concern; allowing landowners within area of critical state concern to petition for reclassification and reassessment of land within area of critical state concern; providing for determination by tax assessor, reclassification and reassessment; providing for appeal; providing certification to the department of revenue of reclassification, reassessment and lost tax revenues;

Senator Graham moved the following amendment to Amendment 2 which was adopted:

Amendment 2c—On page 2, line 28, insert: amending subsection (2) of section 193.011, Florida Statutes;

Senator Plante presiding.

Senators Wilson and Plante offered the following amendment to Amendment 2 which was moved by Senator Wilson and adopted:

Amendment 2d—On page 1, line 9, strike “and (3)” and insert: , (3) and (6) and on page 2A, line 3, strike “195.027 (6)” and insert: §195.085,

The President presiding.

Amendment 2 as amended was adopted.

On motion by Senator Johnson the Senate reconsidered the vote by which Amendment 1c failed.

The question recurred on Amendment 1c and the amendment failed by the following vote:

Yeas—18

Childers	Johnson	Sims	Wilson
Deeb	Lane (31st)	Stolzenburg	Winn
Glisson	Lane (23rd)	Sykes	Zinkil
Gruber	McClain	Ware	
Henderson	Saylor	Weber	

Nays—18

Mr. President	Gordon	Pettigrew	Smathers
de la Parte	Graham	Plante	Vogt
Firestone	Lewis	Poston	Williams
Gallen	Myers	Saunders	
Gillespie	Peterson	Scarborough	

On motion by Senator Williams, by two-thirds vote HB 4005 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Mr. President	Gruber	Pettigrew	Trask
Barron	Henderson	Plante	Vogt
Childers	Johnson	Poston	Ware
Deeb	Johnston	Saunders	Weber
de la Parte	Lane (31st)	Saylor	Williams
Firestone	Lane (23rd)	Scarborough	Wilson
Gallen	Lewis	Sims	Zinkil
Gillespie	McClain	Smathers	
Glisson	Myers	Stolzenburg	
Graham	Peterson	Sykes	

Nays—None

By unanimous consent Senators Brantley and Winn were recorded as voting yea.

On motion by Senator Barron, the rules were waived and time of adjournment was extended until 12:30 p.m. to reconvene at 1:30 p.m.

On motion by Senator Barron, HJR 2549 was withdrawn from the Committee on Rules and Calendar by two-thirds vote and placed on the calendar.

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 1100

The Honorable Mallory E. Horne
President of the Senate

May 30, 1974

The Honorable T. Terrell Sessums
Speaker, House of Representatives

Dear Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on the House amendment to Senate Bill 1100, same being:

An act making appropriations; providing moneys for the annual period beginning July 1, 1974 and ending June 30, 1975, to pay salaries, other expenses, capital outlay-buildings and improvements, and for other specified purposes of the

various agencies of state government; suspending sections 216.262, 216.292, 216.301(2), 27.34(1), and 215.32(2)(c), F.S.; providing an effective date.

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

1. That the House recede from its Amendment Number 1.
2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached thereto, and by reference made a part of this report.

MARSHALL S. HARRIS
DONALD R. CRANE, JR.
EDMOND M. FORTUNE
RICHARD S. HODES
ROBERT M. JOHNSON
KENNETH H. MACKAY, JR.
TOM MCPHERSON
JAMES L. REDMAN
Managers on the part of the
House of Representatives

BOB SAUNDERS
WYON D. CHILDERS
D. ROBERT GRAHAM
DAVID C. LANE
KENNETH M. MYERS
KENNETH A. PLANTE
JOHN VOGT
J. H. WILLIAMS
Managers on the part of the
Senate

Conference Committee Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. The moneys in the following items are appropriated from the named funds for the 1974-75 fiscal year to the state agency indicated, as the amounts to be used to pay the salaries and other expenditures of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes, except that if additional moneys are needed to meet the requirements of a continuing appropriation of a trust fund and additional moneys are available in the named trust fund, the Department of Administration is authorized to approve the expenditure of additional, available moneys in such trust fund in such amount(s) as may be necessary to meet such deficiency.

Item	Positions \$	Amount \$
ADMINISTERED FUNDS— DEPARTMENT OF ADMINISTRATION		
1 Special Categories Governor Elect— Operating Fund From General Revenue Fund		60,000
Provided, these funds shall not be used if an incumbent governor is re-elected.		
2 Special Categories Governor Elect— Inauguration Expense Fund From General Revenue Fund		60,000
3 Special Categories Southern Growth Policies Board From General Revenue Fund		31,000
4 Special Categories Southern Interstate Nuclear Board From General Revenue Fund		10,000
5 Special Categories Commission on Interstate Cooperation From General Revenue Fund		43,330
6 Special Categories National Committee on Uniform Traffic Codes and Laws From General Revenue Fund		1,000
7 Special Categories Contingent—Relocation Expenses From General Revenue Fund		300,000

Item	Positions \$	Amount \$
8 Special Categories Unemployment Compensation Benefits —State Employees From General Revenue Fund		1,000,000
9 Special Categories Assessment Administrative Review Commission From General Revenue Fund		80,000
10 Deleted		
10A Special Categories Deficiency From General Revenue Fund		400,000
10B Special Categories Emergency From General Revenue Fund		250,000
11 Special Categories Contingent—Price Increase for Electricity, Heating Supplies, Motor Fuel and Lubricants From General Revenue Fund		1,800,000
From Trust Funds		1,200,000
12 Deleted		
13 Special Categories Florida Land & Water Adjudicatory Commission—Administrative Appeals From General Revenue Fund		75,000
13A Special Categories Salary Increases—Department and Division Directors From General Revenue Fund		167,500
From Trust Funds		92,500
13B Special Categories Statewide Competitive Geographic Pay Differentials From General Revenue Fund		3,600,000
From Trust Funds		2,400,000
13C Special Categories Contingent—Increased Travel Per Diem From General Revenue Fund		4,474,200
From Trust Funds		2,982,800
Provided, Item 13C is contingent upon HB 3170 or similar legislation becoming law.		
14 Special Categories Waiver of Sovereign Immunity Program Insurance Premium From General Revenue Fund		1,209,425
From Trust Funds		1,500,460
Administration	4	223,121
From Trust Funds		
15 Deleted		
ADMINISTRATION, DEPARTMENT OF Office of the Secretary		
16 Salaries and Benefits	63	
From General Revenue Fund		604,116
From Administrative Trust Fund		274,128

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
17 Other Personal Services			matched by funds from local sources.		
From General Revenue Fund		14,200	Law Enforcement Assistance Act		
From Administrative Trust Fund			From General Revenue Fund	809,133	
18 Expenses		18,360	From Governor's Council on Criminal Justice Trust Fund		18,443,052
From General Revenue Fund		182,005	25 Operating Capital Outlay		
From Administrative Trust Fund		60,107	From General Revenue Fund	63,023	
19 Operating Capital Outlay			From State Planning Trust Fund		1,000
From General Revenue Fund		4,000	From Governor's Council on Criminal Justice Trust Fund		1,684
From Administrative Trust Fund		6,710	26 Special Categories		
20 Data Processing Services			LEAA State Discretionary Matching		
From General Revenue Fund		7,200	From General Revenue Fund	243,050	
From Administrative Trust Fund		9,832	26A Special Categories		
Provided, if federal funds are received for the operation of the fuel allocation office, they shall not be an addition to the moneys appropriated in items 16-20 for that purpose, but shall be used in lieu thereof to the extent possible.			Lump Sum—Green Swamp Study		
State Planning, Division of			From General Revenue Fund	100,000	
21 Salaries and Benefits	157		26B Special Categories		
From General Revenue Fund		1,339,375	Rural Water and Sewer Matching Grants		
From State Planning Trust Fund		32,100	From General Revenue Fund	500,000	
From Governor's Council on Criminal Justice Trust Fund		915,264	26C Special Categories		
22 Other Personal Services			Natural Resources Inventory	6	
From General Revenue Fund		295,120	From General Revenue Fund		900,000
From State Planning Trust Fund		2,900	Provided, Item 26C is contingent upon HB 3633 or similar legislation becoming law.		
From Governor's Council on Criminal Justice Trust Fund		270,408	26D Special Categories		
23 Expenses			Planning Grants to Local Governments	4	
From General Revenue Fund		379,921	From General Revenue Fund		7,700,000
From State Planning Trust Fund		12,000	Provided, Item 26D is contingent upon HB 2884 or similar legislation becoming law.		
From Governor's Council on Criminal Justice Trust Fund		325,574	27 Data Processing Services		
24 Grants and Aids			From General Revenue Fund		10,953
Regional Planning Councils			From Governor's Council on Criminal Justice Trust Fund		9,598
From General Revenue Fund		895,000	Budget, Division of		
Provided, that the total amount of any grant to a Regional Planning Council, established pursuant to Florida Statutes, shall not exceed a maximum of \$50,000 plus 5 cents per capita of said region's population. Provided further, that any amount in excess of \$50,000 must be equally			28 Salaries and Benefits	57	
			From General Revenue Fund		979,224
			29 Other Personal Services		
			From General Revenue Fund		75,096
			30 Expenses		
			From General Revenue Fund		103,072
			31 Operating Capital Outlay		
			From General Revenue Fund		14,253
			32 Special Categories		
			Municipal and County Population Estimates		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
			From Florida Retirement System Trust Fund		448,364
33 Deleted		62,500	48 Pensions and Benefits		
34 Data Processing Services			Confederate Pensions		
From General Revenue Fund		7,533	From General Revenue Fund		27,000
Personnel, Division of			State Officers and Employees (Non-Contributory)		
35 Salaries and Benefits	134		From General Revenue Fund		1,100,000
From Grants and Donations Trust Fund		184,857	Teacher's Special Pensions		
From State Personnel System Trust Fund		1,424,888	From General Revenue Fund		60,000
36 Other Personal Services			Disability Benefits to Justices and Judges		
From State Personnel System Trust Fund		17,670	From General Revenue Fund		150,000
37 Expenses			Special Pensions and Relief Acts		
From Grants and Donations Trust Fund		7,203	From General Revenue Fund		14,000
From State Personnel System Trust Fund		277,059	Florida National Guard		
38 Grants and Aids			From General Revenue Fund		200,000
From Grants and Donations Trust Fund		186,830	Members Benefits		
39 Operating Capital Outlay			From Florida Retirement System Trust Fund		101,736,065
From Grants and Donations Trust Fund		450	Survivors Benefits		
From State Personnel System Trust Fund		9,088	From TRS Survivor Benefit Trust Fund		2,800,000
40 Special Categories			Governor's Highway Safety Commission		
Collective Bargaining	10		49 Salaries and Benefits	16	
From State Personnel System Trust Fund		234,000	From General Revenue Fund		123,186
41 Data Processing Services			From Governor's Highway Safety Commission Trust Fund		123,186
From State Personnel System Trust Fund		548,835	50 Other Personal Services		
Retirement, Division of			From General Revenue Fund		2,500
42 Salaries and Benefits	143		From Governor's Highway Safety Commission Trust Fund		2,500
From Florida Retirement System Trust Fund		1,465,062	51 Expenses		
43 Other Personal Services			From General Revenue Fund		41,252
From Florida Retirement System Trust Fund		60,575	From Governor's Highway Safety Commission Trust Fund		41,252
44 Expenses			52 Grants and Aids		
From Florida Retirement System Trust Fund		287,316	From Governor's Highway Safety Commission Trust Fund		1,320,000
45 Operating Capital Outlay			53 Operating Capital Outlay		
From Florida Retirement System Trust Fund		37,534	From General Revenue Fund		610
46 Special Categories			From Governor's Highway Safety Commission Trust Fund		610
Data Conversion	4		54 Data Processing Services		
From Florida Retirement System Trust Fund		217,000	From General Revenue Fund		218
46A Special Categories			From Governor's Highway Safety Commission Trust Fund		218
Omnibus Retirement Revision	17				
From Florida Retirement System Trust Fund		300,000			
Provided, Item 46A is contingent on HB 3909 or similar legislation becoming law.					
47 Data Processing Services					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
Special Project to Prevent Eutrophication of Lake Okeechobee					
55 Special Categories Administrative Direction and Support	4		64 From General Revenue Fund		709,600
From General Revenue Fund		101,218	From Data Processing Services		
56 Special Categories Ecological Studies			From General Revenue Fund		108,999
From General Revenue Fund		207,983	From Administrative Trust Fund		144,488
57 Special Categories Improvement in Monitoring and Testing	3		Inspection, Division of		
From General Revenue Fund		127,525	65 Salaries and Benefits	363	
Administrative Hearings, Division of			From General Revenue Fund		979,746
57A Salaries and Benefits	16		From General Inspection Trust Fund		2,496,030
From Internal Revenue Fund		190,000	66 Other Personal Services		
57B Expenses			From General Inspection Trust Fund		5,326
From General Revenue Fund		70,000	67 Expenses		
57C Operating Capital Outlay			From General Revenue Fund		217,324
From General Revenue Fund		32,000	From General Inspection Trust Fund		602,768
AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE			68 Operating Capital Outlay		
Office of the Commissioner and Division of Administration			From General Revenue Fund		8,873
58 Salaries and Benefits	176		From General Inspection Trust Fund		29,540
From General Revenue Fund		892,516	69 Data Processing Services		
From Administrative Trust Fund		1,002,904	From General Revenue Fund		52,372
59 Other Personal Services			From General Inspection Trust Fund		53,620
From General Revenue Fund		11,601	Provided, however, 8 current positions and related costs of \$237,575 in items 65, 67, 68, 69 are funded from General Revenue Contingent upon SB 87 or similar Legislation becoming law.		
From Administrative Trust Fund		13,662	Standards, Division of		
60 Expenses			70 Salaries and Benefits	147	
From General Revenue Fund		292,929	From General Inspection Trust Fund		1,595,642
From Administrative Trust Fund		366,838	71 Other Personal Services		
From Harness Horse Racing Promotion Trust Fund		10,000	From General Inspection Trust Fund		13,225
From Quarter Horse Racing Promotion Trust Fund		11,475	72 Expenses		
61 Grants and Aids			From General Inspection Trust Fund		762,362
From General Revenue Fund		155,000	73 Operating Capital Outlay		
From Administrative Trust Fund		45,000	From General Inspection Trust Fund		81,055
From Harness Horse Racing Promotion Trust Fund		110,000	74 Data Processing Services		
From Quarter Horse Racing Promotion Trust Fund		35,000	From General Inspection Trust Fund		97,837
62 Operating Capital Outlay			Chemistry, Division of		
From General Revenue Fund		14,782	75 Salaries and Benefits	110	
From Administrative Trust Fund		32,928	From General Revenue Fund		462,672
63 Special Categories Soil Survey and Watershed Planning			From General Inspection Trust Fund		776,906

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
76 Other Personal Services			89 Data Processing Services		
From General Revenue Fund		2,600	From General Inspection Trust Fund		22,948
77 Expenses		4,570	Fruit and Vegetable Inspection, Division of		
From General Revenue Fund		77,017	90 Salaries and Benefits	588	
From General Inspection Trust Fund		247,951	From General Inspection Trust Fund		1,390,521
78 Operating Capital Outlay			From Citrus Inspection Trust Fund		3,827,683
From General Revenue Fund		76,081	91 Other Personal Services		
From General Inspection Trust Fund		57,755	From General Inspection Trust Fund		39,970
79 Data Processing Services			From Citrus Inspection Trust Fund		7,350
From General Revenue Fund		17,078	92 Expenses		
From General Inspection Trust Fund		34,674	From General Inspection Trust Fund		284,493
Dairy Industry, Division of			From Citrus Inspection Trust Fund		707,097
80 Salaries and Benefits	51		93 Operating Capital Outlay		
From General Revenue Fund		674,323	From General Inspection Trust Fund		5,389
81 Other Personal Services			From Citrus Inspection Trust Fund		14,621
From General Revenue Fund		8,760	94 Data Processing Services		
82 Expenses			From Citrus Inspection Trust Fund		61,061
From General Revenue Fund		192,350	Animal Industry, Division of		
83 Operating Capital Outlay			95 Salaries and Benefits	382	
From General Revenue Fund		11,630	From General Revenue Fund		3,257,984
84 Data Processing Services			From General Inspection Trust Fund		1,117,211
From General Revenue Fund		4,593	96 Other Personal Services		
Marketing, Division of			From General Revenue Fund		91,575
85 Salaries and Benefits	181		97 Expenses		
From General Revenue Fund		335,496	From General Revenue Fund		754,931
From General Inspection Trust Fund		1,227,602	From General Inspection Trust Fund		178,496
From Citrus Inspection Trust Fund		339,133	98 Operating Capital Outlay		
86 Other Personal Services			From General Revenue Fund		61,106
From General Revenue Fund		15,500	From General Inspection Trust Fund		452
From General Inspection Trust Fund		32,378	99 Special Categories		
From Citrus Inspection Trust Fund		45,183	Payment of Indemnities		
87 Expenses			From General Revenue Fund		543,750
From General Revenue Fund		190,719	100 Data Processing Services		
From General Inspection Trust Fund		584,092	From General Revenue Fund		12,820
From Citrus Inspection Trust Fund		96,226	Plant Industry, Division of		
88 Operating Capital Outlay			101 Salaries and Benefits	278	
From General Revenue Fund		3,544	From General Revenue Fund		2,780,936
From General Inspection Trust Fund		18,289	From Nursery Inspection Trust Fund		310,230
From Citrus Inspection Trust Fund		9,200	102 Other Personal Services		
			From General Revenue Fund		10,300

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
103 Expenses			Office of the Comptroller and Division of Administration		
From General Revenue Fund		1,175,536	119 Salaries and Benefits ..	68	
From Nursery Inspection Trust Fund		151,641	From General Revenue Fund		508,621
From Fire Ant Control Trust Fund		100,060	From Administrative Trust Fund		322,206
104 Operating Capital Outlay			120 Expenses		
From General Revenue Fund		144,659	From General Revenue Fund		233,344
From Nursery Inspection Trust Fund		13,655	121 Operating Capital Outlay		
105 Special Categories			From General Revenue Fund		12,436
Apiarian Indemnities			122 Data Processing Services		
From General Revenue Fund		24,000	From General Revenue Fund		10,120
Consumer Services, Division of			Accounting and Auditing, Division of		
106 Salaries and Benefits	19		123 Salaries and Benefits ..	107	
From General Revenue Fund		231,616	From General Revenue Fund		1,030,208
107 Other Personal Services			124 Other Personal Services		
From General Revenue Fund		2,116	From General Revenue Fund		6,543
108 Expenses			125 Expenses		
From General Revenue Fund		67,587	From General Revenue Fund		233,453
109 Operating Capital Outlay			126 Operating Capital Outlay		
From General Revenue Fund		2,329	From General Revenue Fund		24,937
110 Data Processing Services			127 Data Processing Services		
From General Revenue Fund		697	From General Revenue Fund		892,739
Forestry, Division of			Banking, Division of		
111 Salaries and Benefits ..	1,077		128 Salaries and Benefits ..	117	
From General Revenue Fund		7,958,476	From Bank and Trust Company Trust Fund		1,341,480
From Incidental Trust Fund		2,237,063	129 Other Personal Services		
112 Other Personal Services			From Bank and Trust Company Trust Fund		2,000
From General Revenue Fund		81,447	130 Expenses		
From Incidental Trust Fund		23,850	From Bank and Trust Company Trust Fund		307,345
113 Expenses			131 Operating Capital Outlay		
From General Revenue Fund		1,639,697	From Bank and Trust Company Trust Fund		11,528
From Incidental Trust Fund		522,498	132 Data Processing Services		
114 Grants and Aids			From Bank and Trust Company Trust Fund		14,450
From Incidental Trust fund		52,500	Finance, Division of		
115 Operating Capital Outlay			133 Salaries and Benefits ..	100	
From General Revenue Fund		1,425,043	From General Revenue Fund		180,841
From Incidental Trust Fund		432,726	From Regulatory Trust Fund		969,358
116 Special Categories			134 Other Personal Services		
Payment of Principal			From General Revenue Fund		420
From Incidental Trust Fund		293,600	From Regulatory Trust Fund		5,600
117 Special Categories			135 Expenses		
Payment of Interest			From General Revenue Fund		34,295
From Incidental Trust Fund		125,387	From Regulatory Trust Fund		276,585
118 Data Processing Services					
From General Revenue Fund		35,343			
BANKING AND FINANCE, DEPARTMENT OF, AND COMPTROLLER					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
136 Operating Capital Outlay			Track Tax Trust Fund		505,891
From General Revenue Fund		5,143	154 Operating Capital Outlay		
From Regulatory Trust Fund			From Operating Trust Fund		81,588
137 Data Processing Services					
From General Revenue Fund		21,384	Hotels and Restaurants, Division of		
From Regulatory Trust Fund			155 Salaries and Benefits	165	
Securities, Division of	52		From General Revenue Fund		1,620,659
138 Salaries and Benefits		564,561	156 Other Personal Services		
From General Revenue Fund			From General Revenue Fund		80,827
139 Other Personal Services			157 Expenses		
From General Revenue Fund		2,525	From General Revenue Fund		332,900
140 Expenses			158 Operating Capital Outlay		
From General Revenue Fund		142,130	From General Revenue Fund		60,301
141 Operating Capital Outlay			159 Special Categories		
From General Revenue Fund		8,023	Industry Education		
142 Data Processing Services			From General Revenue Fund		53,303
From General Revenue Fund		13,500	160 Data Processing Services		
Carlton Data Center			From General Revenue Fund		81,534
143 Salaries and Benefits	173		Florida Land Sales, Division of		
From General Revenue Fund		1,606,389	161 Salaries and Benefits	42	
144 Expenses			From Florida Land Sales Trust Fund		461,848
From General Revenue Fund		1,589,552	162 Other Personal Services		
145 Operating Capital Outlay			From Florida Land Sales Trust Fund		27,000
From General Revenue Fund		19,168	163 Expenses		
BUSINESS REGULATION, DEPARTMENT OF			From Florida Land Sales Trust Fund		134,540
Office of Executive Director			164 Operating Capital Outlay		
146 Salaries and Benefits	41		From Florida Land Sales Trust Fund		1,425
From General Revenue Fund		230,273	Beverage, Division of		
From Administrative Trust Fund			165 Salaries and Benefits	230	
147 Other Personal Services			From General Revenue Fund		2,694,273
From General Revenue Fund		16,695	166 Other Personal Services		
148 Expenses			From General Revenue Fund		17,192
From General Revenue Fund		138,577	167 Expenses		
149 Operating Capital Outlay			From General Revenue Fund		790,850
From General Revenue Fund		2,910	168 Operating Capital Outlay		
150 Data Processing Services			From General Revenue Fund		143,518
From General Revenue Fund		17,237	169 Data Processing Services		
Pari-Mutuel Wagering, Division of			From General Revenue Fund		42,981
151 Salaries and Benefits	106		General Regulation, Division of		
From Operating Trust Fund		618,703	170 Salaries and Benefits	15	
152 Other Personal Services			From General Revenue Fund		106,980
From Operating Trust Fund		940,982	From Yacht and Ship Brokers Trust Fund		47,542
153 Expenses			171 Expenses		
From Operating Trust Fund		1,446,506	From General Revenue Fund		54,961
From Additional Harness and Dog			172 Operating Capital Outlay		
			From General Revenue Fund		1,708

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
173 Data Processing Services			From General Revenue Fund		25,862
From General Revenue Fund		1,540	From Administrative Trust Fund		14,111
CITRUS, DEPARTMENT OF			From Revolving Trust Fund		4,265
174 Salaries and Benefits	225		From Bicentennial Commission Trust Fund		1,027
From Citrus Advertising Trust Fund		3,064,040	From Workmen's Compensation Special Disability Trust Fund		443
175 Other personal Services			185 Special Categories Reimbursement of Employers		
From Citrus Advertising Trust Fund		149,200	From Workmen's Compensation Special Disability Trust Fund		2,400,000
176 Expenses			185A Special Categories Movie Production		
From Citrus Advertising Trust Fund		21,561,573	From Bicentennial Commission Trust Fund		200,000
177 Operating Capital Outlay			185B Special Categories Manpower Planning Council	4	
From Citrus Advertising Trust Fund		155,000	From General Revenue Fund		100,000
178 Special Categories Advertising Rebates			Provided that funds in item 185B are contingent upon passage of HB 2894 or similar legislation.		
From Citrus Advertising Trust fund		1,210,960	185C Special Categories Collective Bargaining	10	
179 Data Processing Services			From General Revenue Fund		259,395
From Citrus Advertising Trust Fund		7,294	Provided that funds in item 185C are contingent upon passage of HB 2028 or similar legislation.		
COMMERCE,			186 Debt Service		
DEPARTMENT OF			From Revolving Trust Fund		94,105
Offices of the Secretary and Administrative Services			Tourism, Division of		
180 Salaries and Benefits	263		187 Salaries and Benefits	70	
From General Revenue Fund		659,307	From General Revenue Fund		614,537
From Administrative Trust Fund		1,463,969	188 Other Personal Services		
From Revolving Trust Fund		460,518	From General Revenue Fund		5,288
From Bicentennial Commission Trust Fund		85,237	189 Expenses		
From Workmen's Compensation Special Disability Trust Fund		74,256	General Administrative		
181 Other Personal Services			From General Revenue Fund		187,297
From General Revenue Fund		9,476	Paid Advertising and Promotion		
From Administrative Trust Fund		21,727	From General Revenue Fund		929,250
From Revolving Trust Fund		26,909	Tourist Survey		
From Bicentennial Commission Trust Fund		7,189	From General Revenue Fund		100,000
From Workmen's Compensation Special Disability Trust Fund		2,066	190 Operating Capital Outlay		
182 Expenses			From General Revenue Fund		6,619
From General Revenue Fund		256,167	191 Special Categories Contingency for Promotion		
From Administrative Trust Fund		445,024	From General Revenue Fund		700,000
From Revolving Trust Fund		681,203	Provided, however, that funds appropriated in item 191 may be expended only upon request by the Secretary		
From Bicentennial Commission Trust Fund		65,223			
From Workmen's Compensation Special Disability Trust Fund		132,398			
183 Grants and Aids					
From Bicentennial Commission Trust Fund		630,000			
184 Operating Capital Outlay					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
and upon approval by the Governor.			tration Trust Fund		1,829,875
191A Data Processing Serv- ices			202 Expenses		
From General Reve- nue Fund		33,996	From General Reve- nue Fund		48,958
Economic Development, Division of			From Employment Security Adminis- tration Trust Fund		5,204,865
192 Salaries and Benefits ..	44		From Crew Chief Registration Trust Fund		6,709
From General Reve- nue Fund		573,111	203 Operating Capital Out- lay		
193 Other Personal Serv- ices			From General Reve- nue Fund		6,482
From General Reve- nue Fund		16,021	From Employment Security Adminis- tration Trust Fund		52,491
194 Expenses			204 Special Categories		
General Administrative			Benefit Payments		
From General Reve- nue Fund		124,570	From WIN Benefits Trust Fund		4,439,156
Paid Advertising and Promotion			From M.D.T.A. Ben- efits Trust Fund		3,577,376
From General Reve- nue Fund		289,477	From Unemployment Compensation Ben- efit Trust Fund		54,157,000
195 Operating Capital Out- lay			205 Special Categories		
From General Reve- nue Fund		13,594	WIN Contract Services		
195A Data Processing Serv- ices			From Employment Security Adminis- tration Trust Fund		2,716,304
From General Reve- nue Fund		19,426	205A Special Categories		
Labor, Division of			Lump Sum: Florida Corrections Re- form Act of 1974	3	
196 Salaries and Benefits ..	410		From General Reve- nue Fund		29,196
From General Reve- nue Fund		479,115	Provided, however, that funds in Item 205A are contingent upon CS/SB 215 or similar legisla- tion becoming law.		
From Workmen's Compensation Trust Fund		3,805,846	205B Data Processing Serv- ices		
197 Other Personal Serv- ices			From Employment Security Adminis- tration Trust Fund		2,158,733
From General Reve- nue Fund		1,641	Caldwell Data Center		
From Workmen's Compensation Trust Fund		215,507	205C Salaries and Benefits ..	144	
198 Expenses			From Working Cap- ital Trust Fund		1,434,552
From General Reve- nue Fund		145,872	205D Other Personal Serv- ices		
From Workmen's Compensation Trust Fund		1,046,759	From Working Cap- ital Trust Fund		9,839
199 Operating Capital Out- lay			205E Expenses		
From General Reve- nue Fund		10,341	From Working Cap- ital Trust Fund		972,942
From Workmen's Compensation Trust Fund		31,761	205F Operating Capital Out- lay		
199A Data Processing Serv- ices			From Working Cap- ital Trust Fund		10,938
From Workmen's Compensation Trust Fund		216,116	Industrial Relations Commission		
Employment Security, Division of			205G Salaries and Benefits ..	26	
200 Salaries and Benefits ..	2,179		From Industrial Re- lations Commission Trust Fund		353,237
From General Reve- nue Fund		143,718	205H Other Personal Serv- ices		
From Employment Security Adminis- tration Trust Fund		22,997,900	From Industrial Re- lations Commission Trust Fund		15,592
From Crew Chief Registration Trust Fund		23,291	205I Expenses		
201 Other Personal Serv- ices			From Industrial Re- lations Commission Trust Fund		130,316
From Employment Security Adminis-					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
205J Operating Capital Outlay			217 Expenses		
From Industrial Relations Commission Trust Fund		1,151	From General Revenue Fund		72,663
Provided, however, that the named trust fund be established and that funds as appropriated in Items 205G through 205J shall be transferred from the Workmen's Compensation Administrative Trust Fund and the Employment Security Administrative Trust Fund.			From Personnel and Administration Trust Fund		67,204
Commissioners for the Promotion of Uniformity of Legislation in the United States			From Community Shelter Planning Trust Fund		15,258
206 Expenses			From Radiological Facility Trust Fund		9,729
From General Revenue Fund		16,400	From U.S. Contributions Trust Fund		5,453
COMMUNITY AFFAIRS, DEPARTMENT OF			218 Grants and Aids		
Office of the Secretary			From Personnel and Administration Trust Fund		675,000
207 Salaries and Benefits	23		219 Operating Capital Outlay		
From General Revenue Fund		260,311	From General Revenue Fund		9,778
From Administrative Trust Fund		31,913	From Personnel and Administration Trust Fund		850
208 Expenses			From U.S. Contributions Trust Fund		8,687
From Administrative Trust Fund		64,658	Veterans' Affairs, Division of		
209 Operating Capital Outlay			220 Salaries and Benefits	84	
From General Revenue Fund		4,203	From General Revenue Fund		614,849
210 Data Processing Services			From State Approval Agency Trust Fund		257,723
From Administrative Trust Fund		3,567	220A Other Personal Services		
Commission on Human Relations			From State Approval Agency Trust Fund		1,622
211 Salaries and Benefits	10		221 Expenses		
From General Revenue Fund		107,744	From General Revenue Fund		49,896
212 Other Personal Services			From State Approval Agency Trust Fund		81,284
From General Revenue Fund		4,800	222 Operating Capital Outlay		
213 Expenses			From General Revenue Fund		6,967
From General Revenue Fund		41,063	222A Special Categories		
214 Operating Capital Outlay			Lump Sum - For a Department of Veterans' Affairs		
From General Revenue Fund		812	From General Revenue Fund		36,139
Emergency Government, Division of			Contingent upon passage of HB 2238 or similar legislation.		
215 Salaries and Benefits	44		Technical Assistance, Division of		
From General Revenue Fund		185,005	223 Salaries and Benefits	61	
From Personnel and Administration Trust Fund		185,003	From General Revenue Fund		373,481
From Community Shelter Planning Trust Fund		51,969	From Urban Planning Assistance Revolving Trust Fund		409,722
From Radiological Facility Trust Fund		49,554	From Factory-Built Housing Trust Fund		61,252
216 Other Personal Services			224 Other Personal Services		
From General Revenue Fund		1,651	From General Revenue Fund		179,063
From Personnel and Administration Trust Fund		1,650	From Urban Planning Assistance Revolving Trust Fund		447,533
			From Factory-Built Housing Trust Fund		5,000

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
225 Expenses			237 Operating Capital Outlay		
From General Revenue Fund		147,160	From General Revenue Fund		100
From Urban Planning Assistance Revolving Trust Fund		59,835	Police Standards, Bureau of	17	
From Factory-Built Housing Trust Fund		23,065	238 Salaries and Benefits ..		191,266
226 Grants and Aids			From General Revenue Fund		
From Urban Planning Assistance Revolving Trust Fund		48,713	239 Other Personal Services		
227 Operating Capital Outlay			From General Revenue Fund		1,800
From General Revenue Fund		7,447	240 Expenses		
From Factory-Built Housing Trust Fund		695	From General Revenue Fund		62,450
228 Special Categories			241 Operating Capital Outlay		
Transfer to Revolving Rural Land Acquisition and Site Development Assistance Trust Fund	3		From General Revenue Fund		4,413
From General Revenue Fund		2,543,662	242 Data Processing Services		
Contingent on enactment of HB 3333 or similar legislation.			From General Revenue Fund		9,403
228A Special Categories			Community Services, Division of		
Lump Sum - Building Code Program	7		243 Salaries and Benefits ..	33	
From General Revenue Fund		114,949	From General Revenue Fund		131,965
Contingent on enactment of HB 3231 or similar legislation.			Neighborhood Youth Corps Trust Fund		124,683
Training and Professional Development, Division of			From Economic Opportunity Trust Fund		98,090
Fire College, Bureau of			244 Other Personal Services		
229 Salaries and Benefits ..	13		From General Revenue Fund		1,100
From General Revenue Fund		163,749	Neighborhood Youth Corps Trust Fund		1,184,019
230 Other Personal Services			From Economic Opportunity Trust Fund		4,400
From General Revenue Fund		7,529	245 Expenses		
231 Expenses			From General Revenue Fund		80,398
From General Revenue Fund		52,268	Neighborhood Youth Corps Trust Fund		66,340
From Fire College Publications Revolving Trust Fund		4,500	From Economic Opportunity Trust Fund		23,868
232 Operating Capital Outlay			246 Operating Capital Outlay		
From General Revenue Fund		3,600	From General Revenue Fund		3,355
233 Special Categories			Neighborhood Youth Corps Trust Fund		1,500
Transfer to Fire College Publications Revolving Trust Fund			From Economic Opportunity Trust Fund		360
From General Revenue Fund		3,000	246A Special Categories ..	3	
Fire Fighters Standards, Bureau of			Lump Sum—Community Action Agency Program		
234 Salaries and Benefits ..	5		From General Revenue Fund		2,195,397
From General Revenue Fund		62,550	Contingent on enactment of HB 3073 or similar legislation		
235 Other Personal Services			EDUCATION, DEPARTMENT OF		
From General Revenue Fund		3,000	General Office, Operations and Administration		
236 Expenses			(For allocation by the Department of Education to the following divisions for operating purposes: Commissioner and State Board Staff, Division of Elementary and Secondary Education, Division		
From General Revenue Fund		22,640			

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
of Vocational Education, Division of Community Colleges, Division of Universities—General Office, Knott Data Center.)			From State Trust Fund		812,138
246B Salaries and Benefits ..	955		From Federal Trust Fund		2,751,507
From General Revenue Fund		7,402,439	246E Grants and Aids		
From State Trust Fund		1,788,301	General Scholarships		
From Federal Trust Fund		4,214,084	From General Revenue Fund	125,000	
Provided that the salaries, related expenses and the 1.9 current positions included in the Commissioner's State Board Staff budget supporting physical plant management be transferred to the department of general services.			Nursing Scholarships		
Provides for no more than 6 positions, which shall come from the number appropriated to the department, and related costs, which shall be used for the purpose of establishing a system of student projection, educational facilities inventory, space criteria and utilization, and projected physical facilities needs for all levels of education.			From General Revenue Fund	15,000	
Provides 1 position, which shall come from the number appropriated to the department, and related costs, which shall be used for the purpose of participating in the development of a new operating budget formula for higher education.			Seminole Indian Scholarships		
Provides for 5 positions, which shall come from the number appropriated to the department, and related costs, which shall be used for the purpose of providing staff to handle collective bargaining matters for the state university system.			From General Revenue Fund	4,800	
Provided, however, that the total number of positions appropriated to the Department of Education shall be reduced by no less than 100 positions by June 30, 1975.			Exceptional Child Scholarships		
246C Other Personal Services			From General Revenue Fund	175,000	
From General Revenue Fund		2,491,715	Board of Regents Scholarships		
From State Trust Fund		384,896	From General Revenue Fund	25,000	
From Federal Trust Fund		818,313	Children of Deceased Veterans Scholarships		
246D Expenses			From General Revenue Fund	21,000	
From General Revenue Fund		3,039,623	Florida Student Assistance Grants		
			From General Revenue Fund	4,300,000	
			Allstate Scholarships		
			From Grants and Donations Trust Fund		5,000
			Payment of Scholarships		
			From Federal Trust Fund		112,000
			From Ex-Confederate Soldiers and Sailors Endowment Trust Fund		4,000
			Scholarship Loans		
			From Student Financial Aid Trust Fund		2,500,000
			Guaranteed Student Loans		
			From Florida Insured Student Loans Trust Fund		9,500,000
			Florida Educational Funding Program		
			From General Revenue Fund	1015,924,935	
			From Principal State School Trust Fund—FEFP		4,075,065
			Driver Education		
			From General Revenue Fund	2,813,400	
			Educational Leadership Training Act		
			From General Revenue Fund	250,000	
			Community School Program		
			From General Revenue Fund	1,612,392	
			School Lunch Program		
			From General Revenue Fund	4,175,377	
			From Federal Trust Fund		59,100,252
			Visually Handicapped Resources		
			From General Revenue Fund	120,000	
			Educational Broadcast System		

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Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
From General Revenue Fund -----		2,950,000	246I Debt Service		
Safe Schools			From Institutions of Higher Education		
From General Revenue Fund -----		1,850,000	Capital Outlay and Debt Service Trust		
Teacher Education Act			Fund—Bond Account -----		25,525,032
From General Revenue Fund -----		60,000	From Florida Insured Student Loans Trust Fund		1,478,060
First Accredited Medical School			246J Data Processing Services		
From General Revenue Fund -----		4,284,000	From General Revenue Fund -----	865,450	
Regional Education			From State Trust Fund -----		124,673
From General Revenue Fund -----		1,325,750	From Federal Trust Fund -----		18,400
Southern Regional Council on Mental Health			246K Aid to Counties		
From General Revenue Fund -----		8,000	Community College Program Fund		
Institute on Higher Education			From General Revenue Fund -----	145,837,011	
From General Revenue Fund -----		10,000	Provided, however, the division of community colleges shall have the authority to distribute the above funds in 12 unequal installments as may be necessary to provide for the resolution of any cash flow problem in the community college system. These funds shall be expended for a maximum enrollment of 138,667 divisional wide. Provided, however, that the credit hour count for funding purposes shall take place after the end of both the add and drop deadlines. Provided, however, \$90,231 is contingent on passage of HB 3094 or similar legislation. Provided, however, a cost analysis shall be conducted by the department of administration of all cost factors submitted or used by the division for funding purposes. Provided, however, the legislative auditor shall conduct an audit of the enrollment records and procedures of all community colleges and submit a report by no later than December 30, 1974.		
Distributions to Universities		400,000	County Capital Outlay and Debt Service		
From Extension Incidental Trust Fund			From County Capital Outlay and Debt Service School Trust Fund -----		5,185,955
From Racing Scholarship Trust Fund		800,000			
From Student Financial Aid Trust Fund -----		250,000			
Comprehensive Health Education			246L Special Projects		
From General Revenue Fund -----		1,176,511	Competitive Research Projects		
County Capital Outlay and Debt Service—K-12			From General Revenue Fund -----	1,263,981	
From County Capital Outlay and Debt Service School Trust Fund -----		51,853,878	Provides for no more than 53 positions and related costs for specific research projects relating to state governmental programs.		
Federal Grants and Aids					
From Federal Trust Fund -----		60,032,748			
Comprehensive Career Education Program					
From General Revenue Fund -----		5,000,000			
Manpower Development Training Program					
From Federal Trust Fund -----		3,025,527			
District Environmental Education Program					
From General Revenue Fund -----		300,000			
246F Operating Capital Outlay					
From General Revenue Fund -----		344,300			
From State Trust Fund -----		20,813			
From Federal Trust Fund -----		32,913			
246G Special Categories					
State Textbook Program					
From General Revenue Fund -----		12,581,299			
246H Special Categories					
Transfer to Manpower Development Training Trust Fund					
From General Revenue Fund -----		332,000			

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
Specific research projects are to be recommended by the Board of Regents and approved by the State Board of Education. These funds may be utilized to continue research projects begun last year as a result of funds similarly earmarked in the 1973 Appropriations Act, to the extent that such projects committed out of the 1973 appropriation remain unfunded at June 30, 1974, after taking into account certifications forward. Upon approval of the projects, the Board of Regents may allocate to a Grants and Donations Trust Fund the amounts necessary to fund the projects. Provided, however, included in the funds appropriated in Item 246L is \$100,000 for the Solar Energy Laboratory at the University of Florida, \$50,000 for the University of South Florida Red Tide Study in conjunction with mote marine laboratory and \$100,000 for the Governmental Law Center at Florida State University.			provided that such positions and resources shall be allocated on the basis of a specific plan approved by the Board of Regents and subsequently presented to the Legislature by February 1, 1975. The academic and faculty positions referred to in Item 246L represent man-years and are to be utilized by the Board of Regents for the purposes indicated over all four academic quarters.		
Public Service Projects From General Revenue Fund -----		99,599	Community Hospital Education From General Revenue Fund -----		2,500,000
Provides for no more than 4 positions and related costs to be utilized or assigned by the Board of Regents to provide public service to the citizens of Florida. All public service and community service programs are to be reviewed and subject to prior approval and a report of such programs shall be made by the Board of Regents to the Legislature.			State University System Law Schools Supplemental From General Revenue Fund -----		300,000
Program Emphasis From General Revenue Fund -----		285,754	The sum of \$300,000 is appropriated to the Board of Regents for allocation pursuant to plans approved by the Board of Regents for the restructuring of the curriculum of the law schools within the university system. The Board shall take action on such plans within 45 days of submission.		
Provides for no more than 14 positions and related costs which shall be allocated by the Board of Regents in support of graduate and professional programs, as well as specialized undergraduate programs to provide for the location of such programs among the state universities where the programs will have the greatest likelihood of gaining distinction;			Provided, however, that the \$300,000 shall be reduced by the proportion of the fiscal year that has elapsed prior to the date of approval of the plans by the Board of Regents.		
			246M Lump Sum Northwest Florida - Medical Education Program From General Revenue Fund -----		42,500
			Provides for no more than 2 positions, from the number appropriated to the department, and related costs, to conduct an in-depth study to evaluate the potential for increasing availability of medical practitioners in the West Florida area through a Local Medical Education Program involving the University of West Florida, University of South Alabama Medical School, and the medical facilities in the Pensacola area. A report shall be presented to the legislature on or before March 1, 1975.		
			Appropriations made in Items 246B through		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
246L, notwithstanding the provisions of Section 216.292, F.S., may be transferred upon request of the Department of Education to the State Comptroller, to the appropriate fund for each budget entity within the department for disbursement purposes, and upon release of said appropriation by the Department of Administration:			sonal property of New College. In the event New College and the state university system can agree on the terms under which New College shall be operated as a unit of the state university system, New College shall operate subject to all of the rules, policies and procedures applicable to the state university system. It is the intent of the legislature that transition shall take place whereby New College, if acquired, shall become an upper division and master's program in selected disciplines as a unit of the state university system.		
State trust funds may be transferred to:			246O Lump Sum		
County Capital Outlay and Debt Services School Trust Fund—Administrative			University of South Florida Branch Campus—Lee County		
Institutions of Higher Education Bond Program—CO & DS Trust Fund—Administrative			From General Revenue Fund		305,202
Student Loan Trust Fund			246P Lump Sum		
Student Financial Aid Trust Fund			Division of Community Colleges—Adult Offender Education		
Educational Media and Technology Trust Fund			From General Revenue Fund		175,000
Speech Pathology and Audiology Trust Fund			Commissioner and State Board Staff		
Educational Certification and Services Trust Fund			247 Deleted		
Professional Practices Council Trust Fund			248 Deleted		
Junior College Conference Trust Fund			249 Deleted		
Working Capital Trust Fund			250 Deleted		
Grants and Donations Trust Fund			251 Deleted		
Federal funds may be transferred to:			252 Deleted		
Educational Aids Trust Fund			253 Deleted		
Food and Nutrition Services Trust Fund			Elementary and Secondary Education, Division of		
Grants and Donations Trust Fund			254 Deleted		
Manpower Development Training Trust Fund			255 Deleted		
Extension—Incidental Trust Fund			256 Deleted		
Provided, however, such transfers shall be made to categories of appropriation similar in purpose to the category of appropriations from which transferred.			257 Deleted		
246N Lump Sum			258 Deleted		
New College			259 Deleted		
From General Revenue Fund		1,100,000	260 Deleted		
Provided that these funds may be utilized for the operations of the New College subsequent to the acquisition of real and personal property of New College. In the event New College and the state university system can agree on the terms under which New College shall be operated as a unit of the state university system, New College shall operate subject to all of the rules, policies and procedures applicable to the state university system. It is the intent of the legislature that transition shall take place whereby New College, if acquired, shall become an upper division and master's program in selected disciplines as a unit of the state university system.			Vocational Education, Division of		
			261 Deleted		
			262 Deleted		
			263 Deleted		
			264 Deleted		
			265 Deleted		
			266 Deleted		
			267 Deleted		
			Community Colleges, Division of		
			268 Deleted		
			269 Deleted		
			270 Deleted		
			271 Deleted		
			272 Deleted		
			273 Deleted		
			Florida School for the Deaf and the Blind		
			274 Salaries and Benefits	469	
			From General Revenue Fund		3,974,097

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
From Grants and Donations Trust Fund		421,705	287A Special Categories		
275 Other Personal Services			Photographic Archives, Strozier Library		
From General Revenue Fund		19,372	From General Revenue Fund		3,500
From Grants and Donations Trust Fund		67,052	The Board of Regents shall allocate faculty salaries to provide comparable pay for comparable responsibilities performed by individuals of comparable training, experience or rank. Both faculty salary increase money and salary dollars for new faculty positions shall be used for the above purpose provided that no university shall receive a faculty salary increase less than one-third of the rate of increase allocated to the state university system. In addition, academic positions shall be allocated by level and discipline on the basis of uniform productivity factors, except that the board of regents may make special allocations of academic positions for special programs, projects or situations. The academic and faculty positions referred to above represent man-years and are to be utilized by the Board of Regents to maximize the services rendered over all four academic quarters.		
276 Expenses					
From General Revenue Fund		415,597			
From Grants and Donations Trust Fund		75,290			
277 Grants and Aids					
From General Revenue Fund		37,000			
278 Operating Capital Outlay					
From General Revenue Fund		130,693			
From Grants and Donations Trust Fund		115,159			
279 Food Products					
From General Revenue Fund		278,795			
Knott Data Center					
280 Deleted					
281 Deleted					
282 Deleted					
283 Deleted					
Universities, Division of Educational and General Activities					
(For allocation by the Division of Universities to the following institutions for the educational and general activities: University of Florida, Florida State University, Florida A & M University, University of South Florida, Florida Atlantic University, University of West Florida, Florida Technological University, Florida International University, and University of North Florida.)					
284 Salaries and Benefits	11,717				
From General Revenue Fund		134,735,930			
From Incidental Trust Fund		44,088,687			
From Extension Incidental Trust Fund		1,709,405			
285 Other Personal Services					
From General Revenue Fund		10,810,219			
From Extension Incidental Trust Fund		1,151,124			
286 Expenses					
From General Revenue Fund		30,784,974			
From Extension Incidental Trust Fund		1,526,113			
287 Operating Capital Outlay					
From General Revenue Fund		13,763,461			
From Extension Incidental Trust Fund		56,585			

The completion of the common course numbering system and the development of a plan for its maintenance are declared to be a high priority of the legislature. The Chancellor and the Board of Regents are directed to provide support and allocate manpower resources within their staff and the staffs of the universities as required to complete this system by July 1, 1975. The Board of Regents shall submit quarterly reports to the commissioner and the legislature regarding the positions and resources allocated to the course designation and numbering system.

In addition the Board of Regents shall allocate from the positions and funds appropriated in items 284 through 287 to colleges of education, for support of noncredit activities car-

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
ried out in teacher education centers approved by the department of education and which meet criteria adopted specifically for this purpose by such board. Each college of education in the state university system with an approved teacher education center program, except the University of Florida, Florida State University and the University of South Florida, shall be allocated 2.00 positions. The named universities shall be allocated 4.00 positions. Funds provided in this item shall not be spent for any activity other than the direct support of noncredit activities carried out under the direction of an approved teacher education center.			Provided that the Board of Regents shall establish rules governing the maximum number of credit hours per student for each degree program for purposes of generating state funds. These rules shall be effective not later than the commencement of the spring quarter of the 1975 academic year. In establishing these rules, the board shall not provide for a maximum in excess of 65 hours beyond the bachelor's degree for the master's degree, 190 hours beyond the bachelor's degree for the doctorate, and 135 hours beyond the bachelor's degree for a law degree. Transferred hours shall be included within the limits established. Exceptions may be made for individual students by the presidents of the universities pursuant to board policy. Such exceptions shall not exceed 10% of the full time equivalent graduate enrollment of each institution. Provided further that this proviso shall not apply to minority students admitted to state universities who are in need of remedial course work to be accepted into a graduate program. Such remedial hours will not count towards the degree limitation. The Board of Regents shall prepare a report on all such exceptions indicating the reason for such exception and the additional hours allowed. The report shall be presented to the department of administration no later than 45 days after the commencement of each academic quarter.		
The number of new faculty positions provided in item 284 may be allocated by the Board of Regents as regular faculty positions or as adjunct faculty.			Provided that 90% of the funds generated by each level of instruction shall be allocated to that level.		
Provided that the Board of Regents shall reallocate its appropriations as are necessary up to the sum of one million dollars; facilitating compliance with a plan for the desegregation of Florida A & M University that is acceptable to the Department of Health, Education, and Welfare.			Provided that no funds shall be allocated to the universities for FY 74-75 for supervised research and supervised teaching credits generated as a result of services performed by graduate students receiving stipends as research or teaching		
Provided, however, that the total number of faculty positions in the state university system shall be reduced by 100 full time academic positions, such reduction to be completed by June 30, 1975. Of this number at least 30 full time academic positions are to be from the beginning graduate instruction level and at least 30 from the advanced graduate instruction level. In order to maintain current faculty-support ratios in the instruction and research function, the Board of Regents shall reduce proportionately those appropriated by this act.					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
assistants except for five credit hours for such graduate students for instructional methods and five credit hours for such graduate students for research methods shall be allowed.			From Extension Service Federal Grant Trust Fund		21,000
Provided that funds shall not be allocated to the universities for FY 74-75 for doctoral dissertation credit hours received by graduate student until such time as that student has been admitted into doctoral candidacy.			291A Special Categories Environmental Research From General Revenue Fund		110,000
Institute of Food and Agricultural Sciences			Provides for no more than 10 positions and related costs. A report shall be presented before the next regular legislative session detailing the work under way and the total cost of such work and the expected benefits.		
288 Salaries and Benefits	1,972		291B Special Categories 4-H Youth Programs From General Revenue Fund		71,220
From General Revenue Fund		22,152,207	Provides for no more than 11 positions and related costs. A report shall be presented before the next regular legislative session detailing the work under way and the total cost of such work and the expected benefits.		
From Experiment Station Incidental Trust Fund		175,691	Provided, however, that the total number of faculty positions in institute of food and agricultural sciences shall be reduced by 5 full time academic positions, such reduction to be completed by June 30, 1975. Of this number at least 1 full time academic position is to be from the beginning graduate instruction level and at least 4 from the advanced graduate instruction level. In order to maintain current faculty-support ratios in the instruction and research function, the Board of Regents shall reduce proportionately those appropriated by this act. Provided that the Board of Regents shall establish rules governing the maximum number of credit hours per student for each degree program for purposes of generating state funds. These rules shall be effective not later than the commencement of the spring quarter of the 1975 academic year. In establishing these rules, the board shall not provide for a maximum in excess of 65 hours beyond the Bachelor's Degree for the Master's Degree, 190 hours beyond the Bachelor's Degree for the Doctorate. Trans-		
From Extension Service Incidental Trust Fund		5,475			
From Experiment Station Federal Grant Trust Fund		910,732			
From Extension Service Federal Grant Trust Fund		1,290,463			
289 Other Personal Services					
From General Revenue Fund		944,962			
From Experiment Station Incidental Trust Fund		131,244			
From Extension Service Incidental Trust Fund		21,125			
From Experiment Station Federal Grant Trust Fund		69,822			
From Extension Service Federal Grant Trust Fund		40,000			
290 Expenses					
From General Revenue Fund		3,184,467			
From Experiment Station Incidental Trust Fund		1,209,316			
From Extension Service Incidental Trust Fund		124,900			
From Experiment Station Federal Grant Trust Fund		190,402			
From Extension Service Federal Grant Trust Fund		219,638			
291 Operating Capital Outlay					
From General Revenue Fund		1,097,037			
From Experiment Station Incidental Trust Fund		182,834			
From Extension Service Incidental Trust Fund		15,000			
From Experiment Station Federal Grant Trust Fund		94,846			

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
ferred hours shall be included within the limits established. Exceptions may be made for individual students by the Presidents of the universities pursuant to board policy. Such exceptions shall not exceed 10% of the full time equivalent graduate enrollment of each institution.			From General Revenue Fund -----		345,600
			From EIES Research Contracts Trust Fund -----		3,439,084
			293 Other Personal Services		
			From General Revenue Fund -----		195,000
			From EIES Research Contracts Trust Fund -----		1,766,858
			294 Expenses		
			From General Revenue Fund -----		107,750
			From EIES Research Contracts Trust Fund -----		2,447,206
			295 Operating Capital Outlay		
			From General Revenue Fund -----		101,650
			From EIES Research Contracts Trust Fund -----		830,516
			University of Florida Veterinary Medicine		
			296 Salaries and Benefits ..	35	
			From General Revenue Fund -----		389,282
			297 Other Personal Services		
			From General Revenue Fund -----		36,069
			298 Expenses		
			From General Revenue Fund -----		65,778
			299 Operating Capital Outlay		
			From General Revenue Fund -----		110,382
			University of South Florida Medical Center		
			300 Salaries and Benefits ..	266	
			From General Revenue Fund -----		5,609,273
			301 Other Personal Services		
			From General Revenue Fund -----		468,945
			302 Expenses		
			From General Revenue Fund -----		509,166
			303 Operating Capital Outlay		
			From General Revenue Fund -----		363,065
			Contracts and Grants		
			(For allocation by the Division of Universities to the following institutions for contract and grant activities: University of Florida, J. Hillis Miller Health Center, Institute of Food and Agricultural Sciences, Florida State University, Florida A & M University, University of South Florida, Florida Atlantic University, University of West Florida, Florida Technological University, Florida International University, and University of North Florida.)		
Engineering Industrial Experiment Station			292 Salaries and Benefits ..		439

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
304 Salaries and Benefits			From SUS—Auxiliary Trust Funds		17,317,723
From U.F.—Health Center Family Planning Trust Fund		165,558	From SUS—Working Capital Trust Funds		5,539,736
From Grants and Donations Trust Fund—Sponsored		15,038,858	From SUS—Revenue Certificate Trust Funds		3,342,486
From Grants and Donations Trust Fund—Non-Sponsored		11,819,881	From SUS—Mobile Home Unit Trust Fund		6,441
From IFAS—Experiment Station Grants and Donations Trust Fund		3,486,313	310 Other Personal Services		
305 Other Personal Services			From SUS—Auxiliary Trust Funds		2,120,782
From U.F.—Health Center Family Planning Trust Fund		12,705	From SUS—Working Capital Trust Funds		182,080
From Grants and Donations Trust Fund—Non-Sponsored		5,865,258	From SUS—Revenue Certificate Trust Funds		412,494
From IFAS—Experiment Station Grants and Donations Trust Fund		800,113	From SUS—Mobile Home Unit Trust Fund		1,323
306 Expenses			311 Expenses		
From U.F.—Health Center Family Planning Trust Fund		729,905	From SUS—Auxiliary Trust Funds		20,893,131
From Grants and Donations Trust Fund—Non-Sponsored		5,223,765	From SUS—Working Capital Trust Funds		6,109,236
From IFAS—Experiment Station Grants and Donations Trust Fund		1,742,400	From SUS—Revenue Certificate Trust Funds		2,735,903
307 Grants and Aids			From SUS—Mobile Home Unit Trust Fund		85,285
From Grants and Donations Trust Fund—Non-Sponsored		855,829	From SUS—Law Review Trust Fund		22,000
308 Operating Capital Outlay			312 Operating Capital Outlay		
From U.F.—Health Center Family Planning Trust Fund		6,655	From SUS—Auxiliary Trust Funds		2,678,380
From Grants and Donations Trust Fund—Non-Sponsored		1,814,454	From SUS—Working Capital Trust Funds		212,062
From IFAS—Experiment Station Grants and Donations Trust Fund		508,200	From SUS—Revenue Certificate Trust Funds		378,018
Auxiliary Enterprises			313 Debt Service		
(For allocation by the Division of Universities to the following institutions for the auxiliary enterprises activities: University of Florida, Florida State University, Florida A & M University, University of South Florida, Florida Atlantic University, University of West Florida, Florida Technological University, Florida International University, and University of North Florida.)			From SUS—Auxiliary Trust Funds		30,000
309 Salaries and Benefits	2,921		From SUS—Revenue Certificate Trust Funds		3,184,821
			General Office		
			314 Deleted		
			315 Deleted		
			316 Deleted		
			317 Deleted		
			318 Deleted		
			319 Deleted		
			320 Deleted		
			University of Florida Health Center - Educational and General		
			321 Salaries and Benefits	970	
			From General Revenue Fund		13,021,169
			From Incidental Trust Fund		240,110
			From Liability Insurance Trust Fund		24,321
			322 Other Personal Services		
			From General Revenue Fund		577,165
			From Incidental Trust Fund		21,828
			From Liability Insurance Trust Fund		10,500

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
323 Expenses			appropriation from which transferred.		
From General Revenue Fund		2,900,080	Energy Committee, Florida		
From Incidental Trust Fund		152,797	329 Lump Sum	9	
From Liability Insurance Trust Fund		294,000	From General Revenue Fund		200,000
324 Operating Capital Outlay			GENERAL SERVICES, DEPARTMENT OF Office of the Executive Director		
From General Revenue Fund	1,084,191		330 Salaries and Benefits ..	47	
From Incidental Trust Fund		21,828	From General Revenue Fund		552,840
From Liability Insurance Trust Fund		1,000	331 Expenses		
Included in Item 324 is \$133,000 to purchase equipment for the college of dentistry. Provided, however, at least 30% of the operating funds for the Shands Teaching Hospital burn unit in Items 321, 322, 323 and 324 shall be used for care and treatment of pediatric patients.			From General Revenue Fund		106,816
University of Florida Teaching Hospital and Allied Clinics			332 Operating Capital Outlay		
325 Salaries and Benefits ..	1,596		From General Revenue Fund		7,485
From General Revenue Fund		5,018,758	333 Data Processing Services		
From Operations and Maintenance Trust Fund		9,363,557	From General Revenue Fund		28,158
326 Other Personal Services			Purchasing, Division of		
From General Revenue Fund		1,535,408	334 Salaries and Benefits ..	45	
From Operations and Maintenance Trust Fund		242,526	From General Revenue Fund		570,261
327 Expenses			335 Other Personal Services		
From General Revenue Fund		2,284,591	From General Revenue Fund		839
From Operations and Maintenance Trust Fund		5,303,411	336 Expenses		
328 Operating Capital Outlay			From General Revenue Fund		144,266
From General Revenue Fund	1,132,940		337 Operating Capital Outlay		
From Operations and Maintenance Trust Fund		2,623,873	From General Revenue Fund		3,929
Appropriations made in items 284 through 287 and 304 through 313, notwithstanding the provisions of Section 216.292, F.S., may be transferred upon request of the Division of Universities to the State Comptroller, to accounts established for each budget entity within the Division of Universities for disbursement purposes, and upon release of said appropriations by the Department of Administration. Provided, however, such transfers may be made to accounts similar in purpose to the category of			338 Data Processing Services		
			From General Revenue Fund		20,282
			ELECTRONIC DATA PROCESSING, DIVISION OF Administration and Technical Services		
			339 Salaries and Benefits ..	32	
			From General Revenue Fund		466,498
			From Grants and Donations Trust Fund		28,142
			340 Other Personal Services		
			From General Revenue Fund		6,000
			341 Expenses		
			From General Revenue Fund		108,317
			From Grants and Donations Trust Fund		5,859
			342 Operating Capital Outlay		
			From General Revenue Fund		2,604
			From Grants and Donations Trust Fund		250
			343 Data Processing Services		
			From General Revenue Fund		15,608
			Upon approval by the Governor and Cabinet of the Department of General Services' plan for improving the		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
state's electronic data processing, which includes the state university system, the Division of Electronic Data Processing shall develop detailed proposals for implementation of each phase of the plan. Notwithstanding any provisions of Chapter 216, F.S., to the contrary, the Department of Administration, upon request of the Department of General Services, may transfer personnel; equipment, including all rights, title, interest or equity therein; and appropriations directly related to electronic data processing functions in existing data centers, as may be necessary to implement the plan.			From Supervision Trust Fund -----		
Larson Data Center			353 Expenses		8,000
344 Salaries and Benefits ..	51		From General Revenue Fund -----	1,151,432	
From General Revenue Fund -----		529,930	From Architects Incidental Trust Fund -----		60,635
345 Expenses			From Supervision Trust Fund -----		546,829
From General Revenue Fund -----		466,220	354 Operating Capital Outlay		
346 Operating Capital Outlay			From General Revenue Fund -----	56,044	
From General Revenue Fund -----		7,480	From Architects Incidental Trust Fund -----		6,850
Mayo Data Center			From Supervision Trust Fund -----		19,976
347 Salaries and Benefits ..	71		355 Special Categories		
From General Revenue Fund -----		688,570	Debt Service Payments		
348 Other Personal Services			From General Revenue Fund -----	1,372,000	
From General Revenue Fund -----		2,500	From Supervision Trust Fund -----		966,000
349 Expenses			355A Special Categories		
From General Revenue Fund -----		585,084	For Comprehensive Plan for Development of the Capitol Center		
Provided, however, \$60,690 in Item 349 is contingent upon legislation requiring the registration of all boats powered by machinery of 10 horsepower or less becoming law.			From General Revenue Fund -----	100,000	
350 Operating Capital Outlay			Provided that the funds in item 355A may be used only for the preparation of a comprehensive plan for development of the capitol center and shall not be used in support of competition and that said plan must be approved by the legislature.		
From General Revenue Fund -----		3,760	356 Data Processing Services		
Building Construction and Maintenance, Division of			From General Revenue Fund -----	5,542	
351 Salaries and Benefits ..	314		From Supervision Trust Fund -----		2,480
From General Revenue Fund -----		1,619,672	Motor Pool, Division of		
From Architects Incidental Trust Fund -----		413,110	357 Salaries and Benefits ..	45	
From Supervision Trust Fund -----		812,268	From General Revenue Fund -----		304,010
352 Other Personal Services			From Motor Vehicle Operating Trust Fund -----		251,593
From General Revenue Fund -----		24,450	358 Other Personal Services		
From Architects Incidental Trust Fund -----		3,000	From General Revenue Fund -----	2,500	
			From Motor Vehicle Operating Trust Fund -----		10,000
			359 Expenses		
			From General Revenue Fund -----	132,028	
			From Motor Vehicle Operating Trust Fund -----		539,095
			From Bureau of Aircraft Trust Fund -----		206,781
			360 Operating Capital outlay		
			From General Revenue Fund -----	192,818	
			From Motor Vehicle Operating Trust Fund -----		88,790
			361 Special Categories		
			Transfer to Aircraft		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
Trust Fund for Working Capital From General Revenue Fund -----		25,000	From Communications Working Capital Trust Fund -----		4,500
362 Data Processing Services			From Communications Survey Trust Fund -----		2,500
From General Revenue Fund -----		5,080	373 Expenses		
From Motor Vehicle Operating Trust Fund -----		37,924	From General Revenue Fund -----		76,927
Surplus Property, Division of			From Communications Working Capital Trust Fund -----		4,399,065
363 Salaries and Benefits	81		From Communications Survey Trust Fund -----		21,607
From Surplus Property Revolving Trust Fund -----		624,943	374 Operating Capital Outlay		
From State Surplus Property Working Capital Trust Fund -----		35,674	From General Revenue Fund -----		5,422
364 Other Personal Services			From Communications Working Capital Trust Fund -----		6,642
From Surplus Property Revolving Trust Fund -----		500	374A Special Categories Statewide Telecommunications— Lump Sum		
From State Surplus Property Working Capital Trust Fund -----		500	From General Revenue Fund -----		145,000
365 Expenses			375 Special Categories Transfer to Communications Working Capital Trust Fund -----		600,000
From Surplus Property Revolving Trust Fund -----		153,995	From General Revenue Fund -----		3,000
From State Surplus Property Working Capital Trust Fund -----		29,470	376 Data Processing Services		
366 Operating Capital Outlay			From General Revenue Fund -----		
From Surplus Property Revolving Trust Fund -----		27,000	From Communications Working Capital Trust Fund -----		46,590
From State Surplus Property Working Capital Trust Fund -----		875	From Communications Survey Trust Fund -----		10,665
Bond Finance, Division of			Provided, that all switchboard operator positions currently authorized in Tampa to other agencies shall be deleted by the Department of Administration concurrently with implementation of Tampa Centrex.		
367 Salaries and Benefits	8		GOVERNOR, OFFICE OF THE General Office		
From Revenue Bond Fee Revolving Trust Fund -----		119,991	377 Salaries and Benefits	62	
368 Other Personal Services			From General Revenue Fund -----		958,489
From Revenue Bond Fee Revolving Trust Fund -----		172,500	378 Other Personal Services		
369 Expenses			From General Revenue Fund -----		14,280
From Revenue Bond Fee Revolving Trust Fund -----		157,764	379 Expenses		
370 Operating Capital Outlay			From General Revenue Fund -----		223,708
From Revenue Bond Fee Revolving Trust Fund -----		1,011	380 Operating Capital Outlay		
Communications, Division of			From General Revenue Fund -----		7,432
371 Salaries and Benefits	48		381 Special Categories National Governor's Conference		
From General Revenue Fund -----		419,353	From General Revenue Fund -----		10,000
From Communications Working Capital Trust Fund -----		139,126			
From Communications Survey Trust Fund -----		77,853			
372 Other Personal Services					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
382 Data Processing Services			511, notwithstanding the provisions of section 216.292, F.S., may be transferred upon request of the department to the state comptroller, to accounts established for each institution within the respective divisions for disbursement purposes, and upon release of said appropriations by the secretary of administration. Provided, however, such transfers may only be made to accounts similar in purpose to the category of appropriation from which transferred.		
From General Revenue Fund		350			
383 Contingent-Discretionary					
From General Revenue Fund		37,500			
Provided, \$7,500 of Item 383 is contingent upon HB 3418 or similar legislation becoming law.					
Operation of the Governor's Mansion					
384 Salaries and Benefits ..	9				
From General Revenue Fund		75,602			
385 Other Personal Services					
From General Revenue Fund		1,200			
386 Expenses			Administrative Services, Division of		
From General Revenue Fund		47,616	Office of the Secretary and Administrative Services		
387 Operating Capital Outlay			398 Salaries and Benefits ..	247	
From General Revenue Fund		1,515	From General Revenue Fund		1,713,147
388 Data Processing Services			From Administrative Trust Fund		1,112,770
From General Revenue Fund		100	From Grants and Donations Trust Fund		32,817
			From Federal Aid Trust Fund		308,625
Commission on the Status of Women			399 Other Personal Services		
389 Salaries and Benefits ..	1		From General Revenue Fund		43,253
From General Revenue Fund		17,079	From Administrative Trust Fund		15,400
390 Expenses			From Grants and Donations Trust Fund		15,000
From General Revenue Fund		8,061	From Federal Aid Trust Fund		17,907
391 Operating Capital Outlay			400 Expenses		
From General Revenue Fund		1,175	From General Revenue Fund		415,669
392 Data Processing Services			From Administrative Trust Fund		296,035
From General Revenue Fund		40	From Grants and Donations Trust Fund		35,954
			From Federal Aid Trust Fund		65,086
Early Childhood Development			401 Operating Capital Outlay		
393 Deleted			From General Revenue Fund		15,871
394 Deleted			From Administrative Trust Fund		8,546
395 Deleted			402 Special Categories		
396 Deleted			State Institution Claims		
397 Deleted			From General Revenue Fund		25,000
Organized Crime Coordinating Unit			402A Special Categories		
397A Salaries and Benefits ..	3		Fair Labor Standards Compliance		
From Federal Grants Trust Fund		21,333	From General Revenue Fund		500,000
397B Other Personal Services			402B Special Categories		
From Federal Grants Trust Fund		4,680	Epilepsy Program		
397C Expenses			From General Revenue Fund		225,000
From Federal Grants Trust Fund		7,370	From Federal Aid Trust Fund		337,500
397D Operating Capital Outlay			402C Special Categories		
From Federal Grants Trust Fund		200	Upgrading Institutional Pharmacy Program		
HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF			From General Revenue Fund	11	255,109
Appropriations made in Items 428-432, 464-468, 482-486 and 507-					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
403 Data Processing Services			421 Other Personal Services		
From General Revenue Fund		28,412	From General Revenue Fund		29,340
From Administrative Trust Fund		15,298	422 Expenses		
Jacksonville Data Center			From General Revenue Fund		352,540
404 Salaries and Benefits	347		From Grants and Donations Trust Fund		23,394
From Working Capital Trust Fund		3,314,535	423 Operating Capital Outlay		
405 Other Personal Services			From General Revenue Fund		61,591
From Working Capital Trust Fund		32,488	424 Special Categories		
406 Expenses			Discharge and Travel Pay		
From Working Capital Trust Fund		2,791,179	From General Revenue Fund		372,995
407 Operating Capital Outlay			425 Special Categories		
From Working Capital Trust Fund		25,728	Return of Parole Violators		
Drug Abuse Program			From General Revenue Fund		24,000
408 Deleted			426 Special Categories		
409 Deleted			Interstate Compact Services		
410 Deleted			From General Revenue Fund		91,000
411 Deleted			426A Special Categories		
412 Deleted			Lump Sum — Florida Correctional Reform Act of 1974	70	
413 Deleted			From General Revenue Fund		671,539
Planning and Evaluation, Division of			427 Data Processing Services		
414 Salaries and Benefits	75		From General Revenue Fund		254,347
From General Revenue Fund		705,422	From Grants and Donations Trust Fund		100,000
From Planning and Evaluation Trust Fund		352,128	Major Institutions		
From U.S. Grants Trust Fund		112,793	428 Salaries and Benefits	2,866	
415 Other Personal Services			From General Revenue Fund		29,739,424
From General Revenue Fund		67,112	From Grants and Donations Trust Fund		571,001
From Planning and Evaluation Trust Fund		41,816	429 Other Personal Services		
From U.S. Grants Trust Fund		523	From General Revenue Fund		104,339
416 Expenses			From Grants and Donations Trust Fund		33,735
From General Revenue Fund		234,506	430 Expenses		
From Planning and Evaluation Trust Fund		172,686	From General Revenue Fund		5,527,723
From U.S. Grants Trust Fund		22,972	From Grants and Donations Trust Fund		111,870
417 Grants and Aids			431 Operating Capital Outlay		
From General Revenue Fund		258,086	From General Revenue Fund		676,582
From U.S. Grants Trust Fund		9,122,500	From Grants and Donations Trust Fund		55,331
418 Operating Capital Outlay			432 Food Products		
From General Revenue Fund		935	From General Revenue Fund		4,392,671
419 Data Processing Services			Community Correctional Centers		
From General Revenue Fund		19,119	433 Salaries and Benefits	376	
From Planning and Evaluation Trust Fund		16,644	From General Revenue Fund		3,253,552
Corrections, Division of General Office			From Grants and Donations Trust Fund		324,017
420 Salaries and Benefits	128				
From General Revenue Fund		1,376,352			
From Grants and Donations Trust Fund		262,414			

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
434 Other Personal Services			451 Other Personal Services		
From General Revenue Fund		210,230	From General Revenue Fund		11,028
435 Expenses			452 Expenses		
From General Revenue Fund		1,316,569	From General Revenue Fund		636,765
From Grants and Donations Trust Fund		101,393	From Grants and Donations Trust Fund		119,064
436 Operating Capital Outlay			453 Operating Capital Outlay		
From General Revenue Fund		261,310	From General Revenue Fund		18,520
From Grants and Donations Trust Fund		116,212	From Grants and Donations Trust Fund		27,420
437 Food Products			453A Special Categories		
From General Revenue Fund		926,720	Lump Sum—For Implementation of "Operation Peace of Mind"		
438 Special Categories			From General Revenue Fund		20,000
Five New Centers	45		454 Data Processing Services		
From General Revenue Fund		320,832	From General Revenue Fund		103,640
Road Prisons			From Grants and Donations Trust Fund		100,000
439 Salaries and Benefits	229		Field Services, Bureau of		
From Road Prison Trust Fund		2,235,609	455 Salaries and Benefits	1,474	
440 Other Personal Services			From General Revenue Fund		9,958,822
From Road Prison Trust Fund		134,769	From Grants and Donations Trust Fund		155,088
441 Expenses			From Federal Aid Trust Fund		5,039,204
From Road Prison Trust Fund		502,183	456 Other Personal Services		
442 Operating Capital Outlay			From General Revenue Fund		7,124
From Road Prison Trust Fund		66,012	457 Expenses		
443 Food Products			From General Revenue Fund		3,783,305
From Road Prison Trust Fund		399,117	From Grants and Donations Trust Fund		368,604
444 Data Processing Services			458 Operating Capital Outlay		
From Road Prison Trust Fund		16,000	From General Revenue Fund		171,077
Correctional Industries			From Grants and Donations Trust Fund		14,317
445 Salaries and Benefits	160		Group Treatment, Bureau of		
From Industrial Trust Fund		1,698,288	459 Salaries and Benefits	253	
446 Other Personal Services			From General Revenue Fund		1,717,077
From Industrial Trust Fund		11,020	From Grants and Donations Trust Fund		15,828
447 Expenses			From Federal Aid Trust Fund		860,428
From Industrial Trust Fund		3,514,303	460 Other Personal Services		
448 Operating Capital Outlay			From General Revenue Fund		13,626
From Industrial Trust Fund		418,439	From Grants and Donations Trust Fund		51,088
448A Special Categories			461 Expenses		
Optical Laboratory Training Program	3		From General Revenue Fund		1,555,872
From Industrial Trust Fund		50,828	From Grants and Donations Trust Fund		44,039
449 Data Processing Services					
From Industrial Trust Fund		8,133			
Youth Services, Division of General Office					
450 Salaries and Benefits	204				
From General Revenue Fund		1,657,615			
From Grants and Donations Trust Fund		522,413			
From Federal Aid Trust Fund		56,843			

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
462 Operating Capital Outlay			475 Other Personal Services		
From General Revenue Fund		67,635	From General Revenue Fund		372,207
From Grants and Donations Trust Fund		15,713	476 Expenses		
463 Food Products			From General Revenue Fund		939,150
From General Revenue Fund		367,766	477 Operating Capital Outlay		
Training Schools			From General Revenue Fund		14,377
464 Salaries and Benefits	969		478 Special Categories		
From General Revenue Fund		8,178,128	Community Mental Health Services		
From Grants and Donations Trust Fund		187,093	From General Revenue Fund		9,290,372
From Federal Aid Trust Fund		523,386	From Operations and Maintenance Trust Fund		3,040,600
465 Other Personal Services			From Federal Aid Trust Fund		3,294,023
From General Revenue Fund		128,154	479 Special Categories		
From Grants and Donations Trust Fund		20,045	Community Alcoholic Services		
466 Expenses			From General Revenue Fund		3,368,320
From General Revenue Fund		1,635,858	From Federal Aid Trust Fund		3,103,493
From Grants and Donations Trust Fund		219,336	480 Special Categories		
467 Operating Capital Outlay			Purchased Client Services		
From General Revenue Fund		284,799	From General Revenue Fund		2,767,752
From Grants and Donations Trust Fund		54,834	From Federal Aid Trust Fund		6,859,212
468 Food Products			481 Data Processing Services		
From General Revenue Fund		560,861	From General Revenue Fund		236,629
From Grants and Donations Trust Fund		58,593	Mental Hospitals		
Detention, Bureau of			482 Salaries and Benefits	6,154	
469 Salaries and Benefits	795		From General Revenue Fund		52,456,844
From General Revenue Fund		6,466,593	From Federal Aid Trust Fund		3,500,743
From Grants and Donations Trust Fund		307,431	483 Other Personal Services		
From Federal Aid Trust Fund		347,214	From General Revenue Fund		315,579
470 Other Personal Services			484 Expenses		
From General Revenue Fund		23,762	From General Revenue Fund		4,912,124
471 Expenses			485 Operating Capital Outlay		
From General Revenue Fund		1,574,023	From General Revenue Fund		876,008
From Grants and Donations Trust Fund		204,954	486 Food Products		
472 Operating Capital Outlay			From General Revenue Fund		3,202,544
From General Revenue Fund		27,278	Alcoholic Rehabilitation, Bureau of		
473 Food Products			487 Salaries and Benefits	104	
From General Revenue Fund		474,149	From General Revenue Fund		262,505
Mental Health, Division of			From Federal Aid Trust Fund		883,830
General Office and Community Mental Health Program			488 Other Personal Services		
474 Salaries and Benefits	156		From General Revenue Fund		54,883
From General Revenue Fund		2,082,505	489 Expenses		
From Federal Aid Trust Fund		304,579	From General Revenue Fund		199,713
			490 Operating Capital Outlay		
			From General Revenue Fund		31,595
			491 Food Products		
			From General Revenue Fund		38,865

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
Grants and Donations			504 Expenses		
492 Salaries and Benefits .. 50			From General Revenue Fund		419,350
From Grants and Donations Trust Fund		497,844	505 Operating Capital Outlay		
493 Other Personal Services			From General Revenue Fund		5,000
From Grants and Donations Trust Fund		21,879	505A Special Categories		
494 Expenses			Implement Human Rights Advocacy Committees	2	
From Grants and Donations Trust Fund		457,811	From General Revenue Fund		34,622
495 Grants and Aids			Contingent upon the passage of HB 2880 or similar legislation.		
From Grants and Donations Trust Fund		681,023	506 Data Processing Services		
496 Operating Capital Outlay			From General Revenue Fund		105,585
From Grants and Donations Trust Fund		2,052			
Mental Health Institute			Training Centers		
497 Salaries and Benefits .. 355			507 Salaries and Benefits .. 5,048		
From General Revenue Fund		3,765,238	From General Revenue Fund		35,433,160
498 Other Personal Services			From Federal Aid Trust Fund		7,259,273
From General Revenue Fund		165,800	508 Other Personal Services		
499 Expenses			From General Revenue Fund		274,572
From General Revenue Fund		700,694	509 Expenses		
500 Food Products			From General Revenue Fund		4,470,684
From General Revenue Fund		78,257	510 Operating Capital Outlay		
501 Data Processing Services			From General Revenue Fund		616,295
From General Revenue Fund		208,015	511 Food Products		
Drug Abuse Program			From General Revenue Fund		2,168,944
501A Salaries and Benefits .. 50			From Grants and Donations Trust Fund		114,000
From General Revenue Fund		256,105	Grants and Donations		
From Federal Aid Trust Fund		257,326	512 Salaries and Benefits .. 152		
From Drug Abuse Trust Fund		35,723	From Grants and Donations Trust Fund		1,371,965
501B Other Personal Services			513 Other Personal Services		
From General Revenue Fund		13,000	From Grants and Donations Trust Fund		348,910
From Drug Abuse Trust Fund		5,220	514 Expenses		
501C Expenses			From Grants and Donations Trust Fund		199,662
From General Revenue Fund		87,553	515 Grants and Aids		
From Federal Aid Trust Fund		76,207	From Grants and Donations Trust Fund		466,272
From Drug Abuse Trust Fund		39,675	516 Operating Capital Outlay		
501D Grants and Aids			From Grants and Donations Trust Fund		2,250
From General Revenue Fund		498,052	Regional Services		
From Federal Aid Trust Fund		401,948	517 Salaries and Benefits 303		
From Drug Abuse Trust Fund		1,000,000	From General Revenue Fund		1,223,535
501E Data Processing Services			From Federal Aid Trust Fund		1,903,086
From General Revenue Fund		21,004	518 Other Personal Services		
Retardation, Division of General Office and Community Mental Retardation Program			From General Revenue Fund		295,000
502 Salaries and Benefits .. 92			519 Expenses		
From General Revenue Fund		1,148,354	From General Revenue Fund		965,804
503 Other Personal Services					
From General Revenue Fund		113,640			

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
520 Grants and Aids From General Revenue Fund		799,851	for Developmentally Disabled Persons	3	
From Federal Aid Trust Fund		1,280,924	From General Revenue Fund		543,187
521 Operating Capital Outlay From General Revenue Fund		27,497	533 Data Processing Services From Federal Rehabilitation Trust Fund		224,405
522 Food Products From General Revenue Fund		20,873	Medical and Social Services—Blind		
523 Special Categories Day Care Services From General Revenue Fund		2,100,000	534 Salaries and Benefits From General Revenue Fund	104	470,545
From Federal Aid Trust Fund		3,900,000	From Federal Aid Trust Fund		451,422
524 Special Categories Community Residential Services From General Revenue Fund		3,264,227	535 Other Personal Services From General Revenue Fund		8,125
525 Special Categories Purchased Client Services From General Revenue Fund		1,933,269	536 Expenses From General Revenue Fund		785,547
From Federal Aid Trust Fund		3,297,175	From Federal Aid Trust Fund		134,615
Provided, however, that funds appropriated to the division of retardation in items 502-525 may be utilized, pursuant to chapter 216, F.S., to reimburse the counties for costs incurred pursuant to section 393.11, F.S., at rates established by the division.			537 Operating Capital Outlay From General Revenue Fund		55,762
Vocational Rehabilitation, Division of Vocational Rehabilitation Services			538 Data Processing Services From General Revenue Fund		3,200
526 Salaries and Benefits From Federal Rehabilitation Trust Fund	1,455	15,407,419	Disability Determination Section		
527 Other Personal Services From Federal Rehabilitation Trust Fund		74,747	539 Salaries and Benefits From Vocational Rehabilitation U.S. Trust Fund	379	3,981,817
528 Expenses From Federal Rehabilitation Trust Fund		3,102,497	540 Expenses From Vocational Rehabilitation U.S. Trust Fund		4,206,484
529 Grants and Aids From Workshop and Facilities Trust Fund		900,000	541 Operating Capital Outlay From Vocational Rehabilitation U.S. Trust Fund		23,665
530 Operating Capital Outlay From Federal Rehabilitation Trust Fund		117,649	542 Data Processing Services From Vocational Rehabilitation U.S. Trust Fund		3,434
531 Food Products From Federal Rehabilitation Trust Fund		21,000	Vending Stand Section, Bureau of Blind Services		
532 Special Categories Patient Services From General Revenue Fund		5,238,567	543 Salaries and Benefits From U.S. Trust Fund	18	163,224
From Federal Rehabilitation Trust Fund		11,613,072	From Training and Operating Trust Fund		41,362
532A Special Categories Extended Employment			544 Other Personal Services From U.S. Trust Fund		1,600
			From Training and Operating Trust Fund		400
			545 Expenses From U.S. Trust Fund		412,636
			From Training and Operating Trust Fund		167,688
			546 Operating Capital Outlay From U.S. Trust Fund		1,621

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
From Training and Operating Trust Fund		405	From General Revenue Fund	1,938,123	
Family Services, Division of (Provided the General Revenue Fund Appropriations may be transferred to the proper trust fund for disbursement.)			From Administrative Trust Fund		1,815,369
General Administration			Direct Assistance and Service Programs		
547 Salaries and Benefits	6,593		554 Special Categories		
From General Revenue Fund		30,215,084	Old Age Assistance		
From Administrative Trust Fund		29,488,083	From General Revenue Fund	336,252	
548 Other Personal Services			555 Special Categories		
From General Revenue Fund		653,501	Aid to the Blind		
From Administrative Trust Fund		708,118	From General Revenue Fund	13,308	
549 Expenses			556 Special Categories		
From General Revenue Fund		7,144,251	Aid to the Permanently and Totally Disabled		
From Administrative Trust Fund		6,760,371	From General Revenue Fund	324,227	
550 Grants and Aids			557 Special Categories		
From Administrative Trust Fund		750,000	Aid to Families With Dependent Children		
551 Operating Capital Outlay			From General Revenue Fund	40,110,901	
From General Revenue Fund		333,785	From Direct Assistance and Service Trust Fund		79,439,408
From Administrative Trust Fund		88,326	Medical Care Programs		
552 Food Products			558 Special Categories		
From General Revenue Fund		43,502	Physician's Services		
552A Special Categories			From General Revenue Fund	5,468,833	
Absent Parent Program	90		From Medical Care Trust Fund		8,535,861
From General Revenue Fund		500,000	559 Special Categories		
From Administrative Trust Fund		500,000	Hospital In-Patient Services		
552B Special Categories			From General Revenue Fund	14,023,634	
AFDC Employment Program	68		From Medical Care Trust Fund		21,888,360
From General Revenue Fund		408,000	560 Special Categories		
From Administrative Trust Fund		4,050,000	Drugs (Prescribed Medicines)		
552C Special Categories			From General Revenue Fund	7,850,738	
Alternatives to Institutionalization	56		From Medical Care Trust Fund		12,253,584
From General Revenue Fund		1,437,220	561 Special Categories		
From Administrative Trust Fund		1,491,209	Hospital Out-Patient Services		
552D Special Categories			From General Revenue Fund	2,755,262	
Contract for Services			From Medical Care Trust Fund		4,300,466
From General Revenue Fund		84,340	562 Special Categories		
From Trust Funds		563,660	Other Lab and X-Ray Services		
To contract for services for a nursing home or other facility relating to services of the department. Contingent upon passage of CS/HB 2237, as amended, to conform to the intent of this proviso. Nothing herein shall authorize the State to operate a nursing home.			From General Revenue Fund	268,665	
553 Data Processing Services			From Medical Care Trust Fund		419,338
			563 Special Categories		
			Family Planning		
			From General Revenue Fund	60,332	
			From Medical Care Trust Fund		542,992
			564 Special Categories		
			Supplementary Medical Insurance		
			From General Revenue Fund	3,651,640	
			From Medical Care Trust Fund		5,699,551
			565 Special Categories		
			Hospital Insurance Benefits		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
From General Revenue Fund		1,185,990	This appropriation provided in item 573 contemplates multiple levels of care which may be authorized by federal regulations and approved by the department of administration.		
From Medical Care Trust Fund		1,851,114			
566 Special Categories					
State Mental Health Hospital Program					
From Medical Care Trust Fund		4,380,120			
567 Special Categories			Skilled nursing homes or intermediate care facilities receiving vendor payments under this program shall not receive any other supplementary payment for the care from any other state or county governmental unit.		
State Tuberculosis Hospital Program					
From Medical Care Trust Fund		523,489			
568 Special Categories					
Home Health Services					
From General Revenue Fund	43,733				
From Medical Care Trust Fund		68,260			
569 Special Categories			573A Special Categories		
Early and Periodic Screening of Children			Hearing Services		
From General Revenue Fund	603,384		From General Revenue Fund	32,177	
From Medical Care Trust Fund		941,774	From Medical Care Trust Fund		50,223
570 Special Categories			Services Programs		
Patient Transportation			574 Special Categories		
From General Revenue Fund	221,788		Children's Services		
From Medical Care Trust Fund		346,171	From General Revenue Fund	8,930,930	
571 Special Categories			From Services Trust Fund		1,856,598
Prosthetic Devices			575 Special Categories		
From General Revenue Fund	1,245,287		Child Day Care		
From Medical Care Trust Fund		1,943,670	From General Revenue Fund	2,187,500	
571A Special Categories			From Services Trust Fund		15,812,500
Dental Services			Provided, however, that General Revenue moneys shall be released only to the extent local funds and federal funds will be available on the basis of 12½% state, 12½% local and 75% federal.		
From General Revenue Fund	536,606				
From Medical Care Trust Fund		837,544			
571B Special Categories			576 Special Categories		
Optometric Services			Local Service Programs		
From General Revenue Fund	117,017		From Services Trust Fund		3,000,000
From Medical Care Trust Fund		182,643			
572 Special Categories			577 Special Categories		
Pilot Project to Administer Medical Services			Child Adoption Services (Medical and Hospital Care)		
From General Revenue Fund	390,500		From Services Trust Fund		21,250
From Medical Care Trust Fund		609,500			
To establish a pilot project or projects directed toward determining the feasibility of contracting with various public or private organizations or agencies for the provision of medical services on a per capita basis for medicaid recipients of the department.			578 Special Categories		
573 Special Categories			WIN Day Care		
Skilled Nursing Home Care and Intermediate Facility Care			From General Revenue Fund	885,206	
From General Revenue Fund	23,552,196		From Services Trust Fund		7,966,858
From Medical Care Trust Fund		36,760,728	578A Special Categories		
			Foster Home School		
			Children Special Clothing Allowance		
			From General Revenue Fund	537,800	
			Contingent upon passage of HB 2661 or similar legislation.		
			Special Federal Projects—		
			Cuban and Other		
			579 Salaries and Benefits	386	
			From Special Grants Trust Fund		3,808,644
			580 Other Personal Services		
			From Special Grants Trust Fund		25,000

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
581 Expenses			ferred to the proper trust fund for disbursement.)		
From Special Grants Trust Fund		540,269			
582 Operating Capital Outlay			General Public Health		
From Special Grants Trust Fund		5,405	598 Salaries and Benefits	819	
583 Special Categories Physician Services			From General Revenue Fund		8,665,922
From Special Grants Trust Fund		2,668,427	From Federal Grants-In-Aid Trust Fund		1,384,414
584 Special Categories Hospital In-Patient Services			From Hearing Aids and Devices Trust Fund		7,943
From Special Grants Trust Fund		5,924,716	From Pest Control Trust Fund		48,697
585 Special Categories Nursing Home Care			599 Other Personal Services		
From Special Grants Trust Fund		1,718,001	From General Revenue Fund		45,038
586 Special Categories Drugs—Prescribed Medicine			From Federal Grants-In-Aid Trust Fund		95,900
From Special Grants Trust Fund		4,639,562	From Hearing Aids and Devices Trust Fund		3,095
587 Special Categories Hospital Out-Patient Services			From Pest Control Trust Fund		4,700
From Special Grants Trust Fund		576,085	600 Expenses		
588 Special Categories Other Lab and X-Ray Services			From General Revenue Fund		3,330,069
From Special Grants Trust Fund		196,512	From Federal Grants-In-Aid Trust Fund		825,137
589 Special Categories Supplemental Medical Insurance			From Hearing Aids and Devices Trust Fund		5,000
From Special Grants Trust Fund		2,780,152	From Pest Control Trust Fund		16,975
590 Special Categories Home Health Services			601 Grants and Aids		
From Special Grants Trust Fund		36,734	Grants to Localities for Mosquito Control		
591 Special Categories State Mental Health Hospital Program			From General Revenue Fund		2,475,000
From Special Grants Trust Fund		5,017	Grants—Kidney Disease Program		
592 Special Categories Transportation of Patients			From General Revenue Fund		400,000
From Special Grants Trust Fund		141,779	Grants—Emergency Medical Services		
593 Special Categories Burial Expense			From General Revenue Fund		2,400,000
From Special Grants Trust Fund		4,018	From Federal Grants-In-Aid Trust Fund		2,400,000
594 Special Categories Hospital Insurance Benefits			602 Operating Capital Outlay		
From Special Grants Trust Fund		868,896	From General Revenue Fund		219,970
595 Special Categories Early and Periodic Screening of Children			From Federal Grants-In-Aid Trust Fund		56,895
From Special Grants Trust Fund		26,967	From Hearing Aids and Devices Trust Fund		4,600
596 Special Categories Prosthetic Devices			From Pest Control Trust Fund		4,700
From Special Grants Trust Fund		811,995	603 Deleted		
597 Data Processing Services			603A Special Categories Cost Allocation and Management Study	6	
From Special Grants Trust Fund		217,268	From General Revenue Fund		300,000
Health, Division of			603B Special Categories Drinking Water Improvement Program	9	
(Provided the general revenue fund appropriation may be trans-			From General Revenue Fund		116,388
			603C Special Categories Health Education Screening Program		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
From General Revenue Fund		1,500,000	619 Expenses		
Funds appropriated are contingent on the enactment of SB 235 or similar legislation.			From General Revenue Fund		12,594
603D Special Categories			From Federal Grants-In-Aid Trust Fund		277,274
Cervix Cancer Screening			620 Operating Capital Outlay		
From General Revenue Fund		210,000	From Federal Grants-In-Aid Trust Fund		450
604 Data Processing Services			621 Special Categories		
From General Revenue Fund		448,844	Out-Patient Clinic Services	21	
Grants and Donations			From General Revenue Fund		450,000
605 Salaries and Benefits ..	1,096		Medical Examiner Services		
From Grants and Donations Trust Fund		10,787,811	621A Salaries and Benefits ..	3	
606 Other Personal Services			From General Revenue Fund		46,148
From Grants and Donations Trust Fund		41,399	621B Expenses		
607 Expenses			From General Revenue Fund		10,839
From Grants and Donations Trust Fund		6,033,157	621C Operating Capital Outlay		
608 Operating Capital Outlay			From General Revenue Fund		950
From Grants and Donations Trust Fund		243,202	621D Special Categories		
609 Data Processing Services			Reimbursement to Counties		
From Grants and Donations Trust Fund		45,000	From General Revenue Fund		1,404,000
County Health Units			Aging, Division of		
610 Grants to County Health Units			622 Salaries and Benefits ..	151	
From General Revenue Fund		19,154,652	From General Revenue Fund		727,929
From County Health Units Trust Fund		22,008,576	From Federal Grants Trust Fund		499,779
Tuberculosis Hospitals			623 Other Personal Services		
611 Salaries and Benefits ..	590		From General Revenue Fund		7,616
From General Revenue Fund		2,930,321	From Federal Grants Trust Fund		5,264
From Hospital Maintenance Trust Fund		1,100,000	624 Expenses		
612 Other Personal Services			From General Revenue Fund		273,760
From General Revenue Fund		172,041	From Federal Grants Trust Fund		399,358
613 Expenses			625 Grants and Aids		
From General Revenue Fund		555,530	From General Revenue Fund		450,722
614 Operating Capital Outlay			From Federal Grants Trust Fund		8,174,058
From General Revenue Fund		100,000	625A Operating Capital Outlay		
615 Food Products			From General Revenue Fund		1,000
From General Revenue Fund		232,238	625B Special Categories		
616 Special Categories			Expansion of Services		
Conversion of Hospitals	14		From General Revenue Fund		500,000
From General Revenue Fund		1,168,390	From Federal Grants Trust Fund		3,000,000
617 Data Processing Services			626 Data Processing Services		
From General Revenue Fund		9,673	From General Revenue Fund		11,748
Tuberculosis Control, Bureau of			From Federal Grants Trust Fund		8,120
618 Salaries and Benefits ..	70		Children's Medical Services, Division of		
From General Revenue Fund		355,268	627 Salaries and Benefits ..	225	
From Federal Grants-In-Aid Trust Fund		416,586			

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
From General Revenue Fund		1,179,470	teletype operator classes is contingent upon Senate Bill 549 or similar legislation becoming law.		
From Federal Aid Trust Fund		1,047,312	640 Other Personal Services		
628 Other Personal Services			From General Revenue Fund		14,471
From General Revenue Fund		156,897	641 Expenses		
From Federal Aid Trust Fund		1,883	From General Revenue Fund		2,494,670
629 Expenses			From Grants and Donations Trust Fund		5,685
From General Revenue Fund		297,185	From Reimbursement Trust Fund		439,298
From Federal Aid Trust Fund		244,909	642 Operating Capital Outlay		
630 Grants and Aids			From General Revenue Fund		282,259
From General Revenue Fund		1,500,000	From Reimbursement Trust Fund		46,073
631 Operating Capital Outlay			643 Special Categories		
From General Revenue Fund		76,805	Maintenance and acquisition of motor vehicles		
632 Special Categories			From General Revenue Fund		4,051,576
Patient Services			From Grants and Donations Trust Fund		13,005
From General Revenue Fund		6,488,966	From Reimbursement Trust Fund		539,777
From U.S. Trust Fund		1,650,000	644 Special Categories		
From Donations Trust Fund		1,400,000	Payment for Holidays		
632A Special Categories			From General Revenue Fund		347,024
Kidney Disease Program for Children			From Reimbursement Trust Fund		53,022
From General Revenue Fund		650,000	645 Special Categories		
633 Data Processing Services			Upgrade FHP Communications equipment		
From General Revenue Fund		31,069	From General Revenue Fund		766,518
From Federal Aid Trust Fund		20,021	646 Data Processing Services		
HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF			From General Revenue Fund		314,160
Office of Executive Director and Division of Administrative Services			From Reimbursement Trust Fund		70,840
634 Salaries and Benefits ..	226		Provided, however, funds in the amount of \$118,303 in items 639, 641, 642, and 643 are contingent upon HB 3365 or similar legislation becoming law.		
From General Revenue Fund		2,016,921	Drivers Licenses, Division of		
635 Other Personal Services			647 Salaries and Benefits ..	820	
From General Revenue Fund		5,849	From General Revenue Fund		5,004,412
636 Expenses			From Accident Reports Trust Fund		2,600,000
From General Revenue Fund		378,373	Provided, however, \$677,554 in item 647 for a \$100 per month salary increase for the driver licenses examiner classes is contingent upon SB 549 or similar legislation becoming law.		
637 Operating Capital Outlay			648 Other Personal Services		
From General Revenue Fund		44,580	From General Revenue Fund		50,439
638 Data Processing Services			649 Expenses		
From General Revenue Fund		122,872	From General Revenue Fund		3,220,795
Florida Highway Patrol, Division of					
639 Salaries and Benefits ..	1,732				
From General Revenue Fund		17,945,122			
From Grants and Donations Trust Fund		50,832			
From Reimbursement Trust Fund		2,765,815			
Provided, however, \$288,686 in item 639 for a \$100 per month pay increase for communication equipment technician and radio-					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
650 Operating Capital Outlay			661 Operating Capital Outlay		
From General Revenue Fund		180,974	From Working Capital Trust Fund		4,800
651 Data Processing Services			INSURANCE, DEPARTMENT OF, AND TREASURER		
From General Revenue Fund		1,556,198	Office of the Treasurer and Division of Administration		
Provided, however, no funds may be used to pay a salary to any person receiving pay from the Florida Highway Patrol Retirement System in the Division of Drivers Licenses where such salary would be in excess of that paid for the employment of beginning non-experienced personnel unless such persons or person was employed by the Division of Drivers Licenses on April 1, 1971.			662 Salaries and Benefits	129	
Motor Vehicles, Division of			From General Revenue Fund		762,464
652 Salaries and Benefits	437		From Administrative Trust Fund		635,695
From General Revenue Fund		3,544,907	From Municipal Firemen's Pension Trust Fund		35,935
653 Other Personal Services			From Municipal Police Officers' Retirement Trust Fund		29,115
From General Revenue Fund		78,278	663 Other Personal Services		
654 Expenses			From Municipal Firemen's Pension Trust Fund		1,000
From General Revenue Fund		817,542	From Municipal Police Officers' Retirement Trust Fund		1,000
655 Operating Capital Outlay			664 Expenses		
From General Revenue Fund		235,041	From General Revenue Fund		155,237
656 Special Categories			From Administrative Trust Fund		219,440
Purchase of License Plates			From Municipal Firemen's Pension Trust Fund		156,724
From General Revenue Fund		2,316,609	From Municipal Police Officers' Retirement Trust Fund		207,233
657 Data Processing Services			665 Operating Capital Outlay		
From General Revenue Fund		2,170,745	From General Revenue Fund		10,208
Provided, however, that 2 new positions in the Office Tag Agency, and related costs \$15,664 in items 652, 654 and 655 shall be deleted if legislation discontinuing "68" series tags becomes law.			From Administrative Trust Fund		15,382
Provided, further, that 20 new positions and related costs in the amount of \$289,581 in items 652, 654 and 655 shall be deleted if legislation allowing "third party" inspection of mobile home construction facilities becomes law.			From Municipal Firemen's Pension Trust Fund		1,329
Kirkman Data Center			From Municipal Police Officers' Retirement Trust Fund		386
658 Salaries and Benefits	226		666 Data Processing Services		
From Working Capital Trust Fund		1,983,390	From Administrative Trust Fund		63,614
659 Other Personal Services			Treasury, Division of		
From Working Capital Trust Fund		2,419	667 Salaries and Benefits	29	
660 Expenses			From General Revenue Fund		303,179
From Working Capital Trust Fund		2,244,206	668 Other Personal Services		
			From General Revenue Fund		3,255
			669 Expenses		
			From General Revenue Fund		76,348
			670 Operating Capital Outlay		
			From General Revenue Fund		13,929
			671 Data Processing Services		
			From General Revenue Fund		68,942
			Insurance Company Regulation, Division of		
			672 Salaries and Benefits	96	

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
673 From Insurance Commissioner's Regulatory Trust Fund		1,365,888	686 Data Processing Services		
Other Personal Services			From General Revenue Fund		134,046
674 From Insurance Commissioner's Regulatory Trust Fund		4,767	From Insurance Commissioner's Regulatory Trust Fund		231,820
Expenses			State Fire Marshal, Division of		
675 From Insurance Commissioner's Regulatory Trust Fund		583,239	687 Salaries and Benefits	62	
Operating Capital Outlay			From State Fire Marshal Trust Fund		599,549
676 From Insurance Commissioner's Regulatory Trust Fund		11,555	From L. P. Gas Administrative Trust Fund		112,881
Data Processing Services			688 Other Personal Services		
From Insurance Commissioner's Regulatory Trust Fund		17,276	From State Fire Marshal Trust Fund		223,198
Rehabilitation and Liquidation, Division of			Provided however, \$222,158 included in Item 688 is contingent upon HB 3950 or similar legislation becoming law.		
677 Salaries and Benefits	30		689 Expenses		
From Insurance Commissioner's Regulatory Trust Fund		402,135	From State Fire Marshal Trust Fund		253,175
678 Other Personal Services			From L. P. Gas Administrative Trust Fund		66,522
From Insurance Commissioner's Regulatory Trust Fund		1,680	690 Operating Capital Outlay		
679 Expenses			From State Fire Marshal Trust Fund		23,924
From Insurance Commissioner's Regulatory Trust Fund		100,554	From L. P. Gas Administrative Trust Fund		1,480
680 Operating Capital Outlay			690A Lump Sum	5	
From Insurance Commissioner's Regulatory Trust Fund		4,866	From State Fire Marshal Trust Fund		78,000
681 Data Processing Services			Provided, HB 2773 or similar legislation becomes law.		
From Insurance Commissioner's Regulatory Trust Fund		23,949	691 Data Processing Services		
Insurance Consumer Services, Division of			From State Fire Marshal Trust Fund		3,874
682 Salaries and Benefits	416		From L. P. Gas Administrative Trust Fund		1,670
From General Revenue Fund		2,232,382	Risk Management, Division of		
From Insurance Commissioner's Regulatory Trust Fund		1,795,509	692 Salaries and Benefits	23	
683 Other Personal Services			From Casualty Insurance Trust Fund		231,983
From General Revenue Fund		12,350	From Fire Insurance Trust Fund		57,091
From Insurance Commissioner's Regulatory Trust Fund		4,237	693 Other Personal Services		
684 Expenses			From Fire Insurance Trust Fund		551
From General Revenue Fund		627,557	694 Expenses		
From Insurance Commissioner's Regulatory Trust Fund		671,494	From Casualty Insurance Trust Fund		965,543
From Publications Revolving Trust Fund		35,000	From Fire Insurance Trust Fund		450,720
From Agents and Solicitors County License Tax Trust Fund		15,200	695 Operating Capital Outlay		
685 Operating Capital Outlay			From Casualty Insurance Trust Fund		5,969
From General Revenue Fund		26,608	From Fire Insurance Trust Fund		607
From Insurance Commissioner's Regulatory Trust Fund		27,770			

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
696 Data Processing Services			District Courts of Appeal		
From Casualty Insurance Trust Fund		1,165	First District Court of Appeal		
From Fire Insurance Trust Fund		15,365	706 Salaries and Benefits	25	464,677
			From General Revenue Fund		
INTERNAL IMPROVEMENT TRUST FUND, TRUSTEES OF THE			707 Other Personal Services		400
697 Salaries and Benefits	150		From General Revenue Fund		
From General Revenue Fund		1,617,229	708 Expenses		39,737
698 Other Personal Services			From General Revenue Fund		
From General Revenue Fund		101,850	709 Operating Capital Outlay		5,550
699 Expenses			From General Revenue Fund		
From General Revenue Fund		517,260			
700 Operating Capital Outlay			Second District Court of Appeal		
From General Revenue Fund		156,900	710 Salaries and Benefits	30	497,672
Provided however, none of the positions or moneys provided in items 697 through 700 may be used to require permits for seawalls on existing man-made canals unless the agency is specifically so directed by law.			From General Revenue Fund		
JUDICIAL BRANCH			711 Other Personal Services		2,700
Supreme Court			From General Revenue Fund		
701 Salaries and Benefits	88		712 Expenses		55,449
From General Revenue Fund		1,123,810	From General Revenue Fund		
From Grants and Donations Trust Fund		123,283	713 Operating Capital Outlay		13,427
702 Other Personal Services			From General Revenue Fund		
From General Revenue Fund		14,284			
From Grants and Donations Trust Fund		60,962	Third District Court of Appeal		
703 Expenses			714 Salaries and Benefits	29	518,352
From General Revenue Fund		284,509	From General Revenue Fund		
From Grants and Donations Trust Fund		120,760	715 Other Personal Services		2,200
Provided, that \$2,400 shall be allocated in monthly installments of \$200 each to the Chief Justice for non-voucherable expenses.			From General Revenue Fund		
704 Operating Capital Outlay			716 Expenses		82,959
From General Revenue Fund		64,483	From General Revenue Fund		
From Grants and Donations Trust Fund		4,510	717 Operating Capital Outlay		18,975
704A Lump Sum			From General Revenue Fund		
Non-Lawyer Judges Program			Fourth District Court of Appeal		
From General Revenue Fund		102,663	718 Salaries and Benefits	28	479,603
705 Data Processing Services			From General Revenue Fund		
From General Revenue Fund		255,824	719 Other Personal Services		500
From Grants and Donations Trust Fund		349,682	From General Revenue Fund		
			720 Expenses		44,848
			From General Revenue Fund		
			721 Operating Capital Outlay		11,585
			From General Revenue Fund		
			Circuit Courts and Other Related Matters		
			722 Salaries and Benefits	622	13,258,514
			From General Revenue Fund		
			723 Other Personal Services		670,000
			From General Revenue Fund		
			724 Expenses		414,953
			From General Revenue Fund		
			725 Special Categories		
			Payment to Jurors and Witnesses		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
From General Revenue Fund		7,000,000	From General Revenue Fund		605,527
726 Special Categories			Third Judicial Circuit		
Meals and Lodging for Jurors			736 Lump Sum	40	
From General Revenue Fund		125,000	From General Revenue Fund		424,638
727 Special Categories			Fourth Judicial Circuit		
Printing Reports			737 Lump Sum	110	
From General Revenue Fund		89,400	From General Revenue Fund		1,605,421
728 Special Categories			Fifth Judicial Circuit		
State Attorneys on Executive Assignment			738 Lump Sum	57	
From General Revenue Fund		60,000	From General Revenue Fund		675,554
729 Special Categories			Sixth Judicial Circuit		
Statewide Grand Jury—Expenses			739 Lump Sum	144	
From General Revenue Fund		100,000	From General Revenue Fund		1,706,056
Judicial Administrative Commission			Seventh Judicial Circuit		
729A Salaries and Benefits ..	13		740 Lump Sum	68	
From General Revenue Fund		161,578	From General Revenue Fund		843,651
729B Other Personal Services			Eighth Judicial Circuit		
From General Revenue Fund		500	741 Lump Sum	45	
729C Expenses			From General Revenue Fund		626,498
From General Revenue Fund		17,443	Ninth Judicial Circuit		
729D Operating Capital Outlay			742 Lump Sum	87	
From General Revenue Fund		34,168	From General Revenue Fund		1,106,869
County Courts			Tenth Judicial Circuit		
730 Salaries and Benefits ..	516		743 Lump Sum	66	
From General Revenue Fund		8,646,491	From General Revenue Fund		755,515
From Grants and Donations Trust Fund		870,074	Eleventh Judicial Circuit		
731 Other Personal Services			744 Lump Sum	233	
From General Revenue Fund		45,000	From General Revenue Fund		3,271,293
732 Expenses			Twelfth Judicial Circuit		
From General Revenue Fund		100,820	745 Lump Sum	54	
From Grants and Donations Trust Fund		45,600	From General Revenue Fund		591,533
733 Operating Capital Outlay			Thirteenth Judicial Circuit		
From General Revenue Fund		150,000	746 Lump Sum	107	
From Grants and Donations Trust Fund		4,400	From General Revenue Fund		1,441,782
733A Lump Sum			Fourteenth Judicial Circuit		
From General Revenue Fund		187,200	747 Lump Sum	51	
Provided, that item 733A will be used to pay salary differential on pro rata basis to be certified by the Chief Judge of the Judicial Circuit.			From General Revenue Fund		542,900
State Attorneys			Fifteenth Judicial Circuit		
First Judicial Circuit			748 Lump Sum	85	
734 Lump Sum	61		From General Revenue Fund		1,021,415
From General Revenue Fund		826,497	Sixteenth Judicial Circuit		
Second Judicial Circuit			749 Lump Sum	25	
735 Lump Sum	45		From General Revenue Fund		223,899
			Seventeenth Judicial Circuit		
			750 Lump Sum	124	
			From General Revenue Fund		1,684,846
			Eighteenth Judicial Circuit		
			751 Lump Sum	66	
			From General Revenue Fund		892,567
			Nineteenth Judicial Circuit		
			752 Lump Sum	31	
			From General Revenue Fund		512,003

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
Twentieth Judicial Circuit			From General Revenue Fund		448,976
753 Lump Sum	54		Thirteenth Judicial Circuit		
From General Revenue Fund		643,826	766 Lump Sum	48	
Provided, however, office space, and related expenses for custodial services and utilities shall continue to be provided by the counties as prescribed by chapter 27.34(2), F.S. Any operating Capital Outlay Items now provided by county to the state attorneys shall continue to be provided. Notwithstanding chapter 27.34(2), F.S., only centralized county services as provided in FY 73-74 to all units of county government for which cost of services are not prorated may be continued.			From General Revenue Fund		663,778
PUBLIC DEFENDERS			Fourteenth Judicial Circuit		
First Judicial Circuit			767 Lump Sum	16	
754 Lump Sum	41		From General Revenue Fund		278,811
From General Revenue Fund		491,956	Fifteenth Judicial Circuit		
Second Judicial Circuit			768 Lump Sum	50	
755 Lump Sum	29		From General Revenue Fund		561,381
From General Revenue Fund		436,910	Sixteenth Judicial Circuit		
Third Judicial Circuit			769 Lump Sum	18	
756 Lump Sum	12		From General Revenue Fund		184,449
From General Revenue Fund		221,864	Seventeenth Judicial Circuit		
Fourth Judicial Circuit			770 Lump Sum	59	
757 Lump Sum	60		From General Revenue Fund		798,597
From General Revenue Fund		771,786	Eighteenth Judicial Circuit		
Fifth Judicial Circuit			771 Lump Sum	30	
758 Lump Sum	24		From General Revenue Fund		421,134
From General Revenue Fund		315,805	Nineteenth Judicial Circuit		
Sixth Judicial Circuit			772 Lump Sum	17	
759 Lump Sum	64		From General Revenue Fund		244,220
From General Revenue Fund		738,296	Twentieth Judicial Circuit		
Seventh Judicial Circuit			773 Lump Sum	26	
760 Lump Sum	32		From General Revenue Fund		357,712
From General Revenue Fund		388,966	Provided, however, office space and related expenses for custodial services and utilities shall continue to be provided by the counties as prescribed by Chapter 27.54(3), F.S. Any operating capital outlay items now provided by county to the public defenders shall continue to be provided. Notwithstanding Chapter 27.54(3), F.S., only centralized county services as provided in FY 73-74 to all units of county government for which cost of services are not prorated may be continued.		
Eighth Judicial Circuit			Provided, however, that funds made available in Items 754-773 include necessary expenses for probation and parole revocation hearings.		
761 Lump Sum	19		Judicial Qualifications Commission		
From General Revenue Fund		309,702	774 Salaries and Benefits	2	
Ninth Judicial Circuit			From General Revenue Fund		43,090
762 Lump Sum	44		775 Other Personal Services		
From General Revenue Fund		550,058	From General Revenue Fund		30,000
Tenth Judicial Circuit			776 Expenses		
763 Lump Sum	28		From General Revenue Fund		22,000
From General Revenue Fund		417,878			
Eleventh Judicial Circuit					
764 Lump Sum	104				
From General Revenue Fund		1,610,474			
Twelfth Judicial Circuit					
765 Lump Sum	34				

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
777 Operating Capital Outlay			From General Revenue Fund		1,907,998
From General Revenue Fund		1,500	From Grants and Donations Trust Fund		343,049
Judicial Council			795 Other Personal Services		
778 Salaries and Benefits	1	19,239	From General Revenue Fund		1,200
From General Revenue Fund			From Grants and Donations Trust Fund		68,974
779 Other Personal Services		1,800	796 Expenses		
From General Revenue Fund			From General Revenue Fund		394,472
780 Expenses		4,962	From Grants and Donations Trust Fund		161,576
From General Revenue Fund			797 Operating Capital Outlay		
781 Operating Capital Outlay		750	From General Revenue Fund		82,774
From General Revenue Fund			From Grants and Donations Trust Fund		266,849
LAW ENFORCEMENT, DEPARTMENT OF			798 Data Processing Services		
Office of Executive Director			From General Revenue Fund		3,345,201
782 Salaries and Benefits	31	390,510	Law Enforcement Data Center		
From General Revenue Fund			799 Salaries and Benefits	128	
783 Expenses		100,414	From Working Capital Trust Fund		1,095,377
From General Revenue Fund			800 Expenses		
784 Operating Capital Outlay		2,359	From Working Capital Trust Fund		2,856,697
From General Revenue Fund			801 Operating Capital Outlay		
785 Data Processing Services		14,000	From Working Capital Trust Fund		8,821
From General Revenue Fund			Law Revision Council		
Operations, Division of			802 Salaries and Benefits	2	
786 Salaries and Benefits	219	2,863,408	From General Revenue Fund		30,149
From General Revenue Fund			803 Other Personal Services		
From Grants and Donations Trust Fund		161,704	From General Revenue Fund		35,620
787 Other Personal Services		2,250	804 Expenses		
From General Revenue Fund			From General Revenue Fund		9,340
788 Expenses		1,026,506	805 Operating Capital Outlay		
From General Revenue Fund			From General Revenue Fund		1,000
From Grants and Donations Trust Fund		35,124	LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL		
789 Operating Capital Outlay		243,890	806 Salaries and Benefits	190	
From General Revenue Fund			From General Revenue Fund		2,749,668
From Grants and Donations Trust Fund		13,324	807 Other Personal Services		
790 Data Processing Services		24,000	From General Revenue Fund		40,574
From General Revenue Fund			From Grants and Donations Trust Fund		12,636
Training and Inspection, Division of			808 Expenses		
791 Salaries and Benefits	9	159,682	From General Revenue Fund		416,192
From General Revenue Fund			809 Operating Capital Outlay		
792 Expenses		53,179	From General Revenue Fund		185,349
From General Revenue Fund			LEGISLATIVE BRANCH		
793 Operating Capital Outlay		660	House of Representatives		
From General Revenue Fund			810 Lump Sum		
Intelligence and Information, Division of			From General Revenue Fund		8,570,841
794 Salaries and Benefits	236				

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
Senate			821 Data Processing Services		
811 Lump Sum			From General Revenue Fund		38,780
From General Revenue Fund		5,650,833			
Joint Management			Camp Blanding Management		
812 Lump Sum	118		822 Salaries and Benefits	32	
From General Revenue Fund		3,025,514	From General Revenue Fund		171,056
Statutory Committees			From Camp Blanding Management Trust Fund		138,766
813 Lump Sum	2		823 Other Personal Services		
From General Revenue Fund		364,215	From Camp Blanding Management Trust Fund		5,000
Furnishings and Equipment			824 Expenses		
—New Capitol—House			From Camp Blanding Management Trust Fund		94,822
813A Lump Sum			825 Operating Capital Outlay		
From General Revenue Fund		2,060,704	From Camp Blanding Management Trust Fund		30,297
Auditing Committee					
814 Lump Sum	2		NATURAL RESOURCES,		
From General Revenue Fund		39,168	DEPARTMENT OF		
Auditor General			Office of Executive Director		
815 Deleted			and Division of Administrative Services		
815A Lump Sum			826 Salaries and Benefits	121	
General Office	406		From General Revenue Fund		1,076,517
From General Revenue Fund		7,431,764	From Motorboat Revolving Trust Fund		189,038
815B Lump Sum			827 Other Personal Services		
Public Assistance			From General Revenue Fund		33,887
Fraud	100		From Motorboat Revolving Trust Fund		5,094
From General Revenue Fund		864,341	828 Expenses		
From Federal Reimbursement Trust Fund		555,881	From General Revenue Fund		373,853
Legislative Security Force			From Motorboat Revolving Trust Fund		272,290
816 Lump Sum	22		829 Grants and Aids		
From General Revenue Fund		385,487	From General Revenue Fund		37,000
Provided the positions and moneys appropriated in Item 816 may be transferred to a state agency for operational purposes, if permitted or directed by general legislation becoming law.			From Motorboat Revolving Trust Fund		1,739,016
Furnishings and Equipment			Provided, \$21,250 general revenue in item 829 is contingent upon HB 3467 or similar legislation becoming law.		
—New Capitol—Senate			830 Operating Capital Outlay		
816A Lump Sum			From General Revenue Fund		36,619
From General Revenue Fund		975,000	From Motorboat Revolving Trust Fund		3,784
Security System—New Capitol—Senate			831 Deleted		
816B Lump Sum			832 Special Categories		
From General Revenue Fund		800,000	Gulf States Marine Fisheries		
MILITARY AFFAIRS,			From General Revenue Fund		4,500
DEPARTMENT OF			833 Special Categories		
General Activities			Recreational Channel Marking		
817 Salaries and Benefits	76		From Motorboat Revolving Trust Fund		50,000
From General Revenue Fund		821,290			
818 Other Personal Services					
From General Revenue Fund		12,460			
819 Expenses					
From General Revenue Fund		435,441			
820 Operating Capital Outlay					
From General Revenue Fund		38,645			

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
834 Special Categories Public Boat Launching Ramps From Motorboat Revolving Trust Fund		50,000	From Aquatic Plant Control Trust Fund		425,500
835 Special Categories Transfer to State Game Trust Fund From Motorboat Revolving Trust Fund		400,000	Provided, of the funds in item 841A, \$60,000 shall be used for Hat- chery Propagation of White Amur, and the remainder for the re- lease and control of White Amur in at least 8 bodies of water in the State.		
835A Special Categories Shoreline Survey Map- ping Program	6		Marine Resources, Division of		
From General Reve- nue Fund		404,500	842 Salaries and Benefits	350	
836 Data Processing Serv- ices From General Reve- nue Fund		57,792	From General Reve- nue Fund		3,784,637
From Motorboat Revolving Trust Fund		296,288	From Salt Water Products Promo- tion Trust Fund		72,124
Provided, however 5 positions and \$516,- 479 in items 826, 828, 829, 830 and 836 are contingent upon legis- lation requiring the registration of all boats powered by ma- chinery of 10 horse- power or less becom- ing law.			From Motorboat Revolving Trust Fund		172,820
Environmental Research and Protection, Division of			From Marine Biolog- ical Research Trust Fund		36,723
837 Salaries and Benefits	22		843 Other Personal Serv- ices From General Reve- nue Fund		124,483
From General Reve- nue Fund		168,879	From Salt Water Products Promo- tion Trust Fund		5,150
From Aquatic Plant Control Trust Fund		130,368	From Marine Biolog- ical Research Trust Fund		5,800
838 Other Personal Serv- ices From General Reve- nue Fund		51,772	844 Expenses From General Reve- nue Fund		1,187,701
From Aquatic Plant Control Trust Fund		689,097	From Salt Water Products Promo- tion Trust Fund		152,160
839 Expenses From General Reve- nue Fund		60,541	From Motorboat Revolving Trust Fund		91,374
From Aquatic Plant Control Trust Fund		47,741	From Marine Biolog- ical Research Trust Fund		70,294
840 Grants and Aids From Aquatic Plant Control Trust Fund		1,428,525	845 Operating Capital Out- lay From General Reve- nue Fund		496,211
841 Operating Capital Out- lay From General Reve- nue Fund		4,539	From Salt Water Products Promo- tion Trust Fund		58,227
From Aquatic Plant Control Trust Fund		26,323	From Motorboat Revolving Trust Fund		316,076
Provided, however, 3 positions and \$31,251 in items 837, 839, and 841 are to be activated only upon receipt of Federal Coastal Zone Management Act Grants For Accelerat- ing Coastal Zone Plan- ning			From Marine Biolog- ical Research Trust Fund		9,000
841A Special Categories	3		846 Special Categories Erosion Control Account From General Reve- nue Fund		3,260,409
White Amur Project			Interior Resources, Division of		
			847 Salaries and Benefits	79	
			From General Reve- nue Fund		899,723
			From Grants and Donations Trust Fund		15,700
			848 Other Personal Serv- ices From General Reve- nue Fund		44,730
			849 Expenses From General Reve- nue Fund		413,468

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
			860A Special Categories For Transfer to State Game Trust Fund From General Revenue Fund		300,000
850 Operating Capital Outlay		27,500	860B Special Categories Twenty-Four Hour Communications System	43	
From General Revenue Fund	54,329		From General Revenue Fund		346,208
851 Special Categories Water Resources Development Account			Provided, of the funds in Item 860B, \$12,693 shall be used for FCIC Terminals and \$333,515 for Phase One of a Consolidated Natural Resources Communica- tions System.		
From General Revenue Fund	27,502,700		861 Debt Service		
852 Special Categories Topographic Mapping			From State Game Trust Fund		135,000
From General Revenue Fund	260,000		862 Data Processing Services		
853 Deleted			From State Game Trust Fund		51,076
854 Special Categories Aid to Water Management Districts			Provided, notwithstanding the provisions of Section 216.292, F.S., the General Revenue Funds appropri- ated in Items 856 through 862, except Item 860B, may not be transferred to any other category for ex- penditure.		
From General Revenue Fund	2,585,000		Recreation and Parks, Division of		
Provided, the funds appropriated in item 854 are to be allocated \$500,000 each to the five major districts and \$85,000 to the Ridge and Lower Gulf Coast District. Provided further, no part of these funds may be used for any purpose other than as grants to the districts. Provided further, \$10,000 of the amount to be allocated to the Ridge and Lower Gulf Coast District shall be used to repay the State General Revenue Fund for moneys advanced during the fiscal year 1973-1974.			863 Salaries and Benefits	494	
855 Special Categories U. S. Geological Survey Co-Op Agreements			From State Park Trust Fund		4,408,187
From General Revenue Fund	148,000		864 Other Personal Services		
From U.S. Cooperative Trust Fund		30,000	From State Park Trust Fund		504,967
Game and Fresh Water Fish, Division of			865 Expenses		
856 Salaries and Benefits	580		From State Park Trust Fund		1,759,988
From General Revenue Fund		2,846,095	866 Grants and Aids		
From State Game Trust Fund		3,655,283	From Land Acquisition Trust Fund		5,705,000
857 Other Personal Services			867 Operating Capital Outlay		
From General Revenue Fund		5,590	From State Park Trust Fund		296,561
From State Game Trust Fund		80,592	868 Special Categories Contingent on New Construction	30	
858 Expenses			From State Park Trust Fund		255,000
From General Revenue Fund		169,878	869 Debt Service		
From State Game Trust Fund		2,618,079	From General Revenue Fund		12,609,121
859 Operating Capital Outlay			From Land Acquisition Trust Fund		1,223,273
From General Revenue Fund		217,790	Parole and Probation Commission, Florida		
From State Game Trust Fund		812,828	870 Salaries and Benefits	1,674	
860 Special Categories Management Area Lease Payments			From General Revenue Fund		14,875,596
From State Game Trust Fund		200,000	From Grants and Donations Trust Fund		545,275
			871 Other Personal Services		
			From General Revenue Fund		121,746
			From Grants and Donations Trust Fund		5,173

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
872 Expenses			From General Revenue Fund		129,008
From General Revenue Fund		2,955,629	882A Special Categories		
From Grants and Donations Trust Fund		128,482	Research and Development in Pollution Control		
873 Operating Capital Outlay			From General Revenue Fund		351,000
From General Revenue Fund		315,446	883 Data Processing Services		
874 Food Products			From General Revenue Fund		230,550
From General Revenue Fund		18,270			
From Grants and Donations Trust Fund		35,894	PROFESSIONAL AND OCCUPATIONAL REGULATION, DEPARTMENT OF		
874A Lump Sum			Office of the Secretary and Division of General Services		
From General Revenue Fund		25,200	884 Salaries and Benefits	37	
Funds provided to increase commissioner's salaries from \$24,000 to \$27,600 per annum.			From General Revenue Fund		263,286
875 Special Categories			From Administrative Trust Fund		106,417
Staff Development	6		885 Other Personal Services		
From General Revenue Fund		18,294	From General Revenue Fund		24,215
From Grants and Donations Trust Fund		89,141	From Administrative Trust Fund		40,466
876 Special Categories			886 Expenses		
Maximize Probation	18		From General Revenue Fund		177,985
From General Revenue Fund		17,222	From Administrative Trust Fund		29,199
From Grants and Donations Trust Fund		155,000	887 Operating Capital Outlay		
877 Special Categories			From General Revenue Fund		5,111
Maximize Parole	25		From Administrative Trust Fund		5,131
From General Revenue Fund		64,479	888 Data Processing Services		
From Grants and Donations Trust Fund		289,688	From General Revenue Fund		108,693
877A Special Categories					
Lump Sum — Florida Correctional Act of 1974	42		Professions, Division of Accountancy, Board of		
From General Revenue Fund		363,620	889 Salaries and Benefits	8	
878 Data Processing Services			From Operating Trust Fund		79,146
From General Revenue Fund		338,372	890 Other Personal Services		
From Grants and Donations Trust Fund		75,000	From Operating Trust Fund		128,835
POLLUTION CONTROL, DEPARTMENT OF			891 Expenses		
879 Salaries and Benefits	425		From Operating Trust Fund		153,958
From General Revenue Fund		4,608,583	892 Operating Capital Outlay		
From Grants and Donations Trust Fund		905,000	From Operating Trust Fund		2,878
880 Other Personal Services			893 Data Processing Services		
From General Revenue Fund		225,280	From Operating Trust Fund		2,400
From Grants and Donations Trust Fund		83,080	Architecture, Board of		
881 Expenses			894 Salaries and Benefits	5	
From General Revenue Fund		618,060	From Operating Trust Fund		53,160
From Grants and Donations Trust Fund		651,920	895 Other Personal Services		
882 Operating Capital Outlay			From Operating Trust Fund		40,350
			896 Expenses		
			From Operating Trust Fund		60,808
			896A Operating Capital Outlay		
			From Operating Trust Fund		2,000

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
Chiropractic Examiners, Board of			916 Expenses		
897 Other Personal Services			From Operating		
From Operating			Trust Fund		6,269
Trust Fund		26,976	Medical Examiners, Board of		
898 Expenses			917 Salaries and Benefits	15	
From Operating			From Operating		
Trust Fund		9,765	Trust Fund		195,351
899 Grants and Aids			918 Other Personal Services		
From Operating			From Operating		
Trust Fund		4,000	Trust Fund		90,375
Dentistry, Board of			919 Expenses		
900 Salaries and Benefits	4		From Operating		
From Operating			Trust Fund		142,616
Trust Fund		58,238	920 Operating Capital Outlay		
901 Other Personal Services			From Operating		
From Operating			Trust Fund		5,497
Trust Fund		96,026	921 Data Processing Services		
902 Expenses			From Operating		
From Operating			Trust Fund		368
Trust Fund		93,555	Nursing, Board of		
903 Operating Capital Outlay			922 Salaries and Benefits	33	
From Operating			From Operating		
Trust Fund		3,267	Trust Fund		341,528
Professional Engineers and Land Surveyors, Board of			923 Other Personal Services		
904 Salaries and Benefits	9		From Operating		
From Operating			Trust Fund		94,443
Trust Fund		97,058	924 Expenses		
905 Other Personal Services			From Operating		
From Operating			Trust Fund		206,835
Trust Fund		44,163	925 Operating Capital Outlay		
906 Expenses			From Operating		
From Operating			Trust Fund		5,338
Trust Fund		118,768	926 Data Processing Services		
907 Operating Capital Outlay			From Operating		
From Operating			Trust Fund		18,785
Trust Fund		5,255	Optometry, Board of		
908 Data Processing Services			927 Salaries and Benefits	1	
From Operating			From Operating		
Trust Fund		183	Trust Fund		9,671
Foresters, Board of Registration For			928 Other Personal Services		
909 Other Personal Services			From Operating		
From Operating			Trust Fund		33,000
Trust Fund		780	929 Expenses		
910 Expenses			From Operating		
From Operating			Trust Fund		23,202
Trust Fund		1,505	930 Operating Capital Outlay		
Funeral Directors and Embalmers, Board of			From Operating		
911 Salaries and Benefits	6		Trust Fund		230
From Operating			931 Special Categories		
Trust Fund		56,881	Payment of Scholarships		
912 Other Personal Services			From General Revenue Fund		19,000
From Operating			Osteopathic Medical Examiners, Board of		
Trust Fund		32,630	932 Salaries and Benefits	2	
913 Expenses			From Operating		
From Operating			Trust Fund		18,560
Trust Fund		65,294	933 Other Personal Services		
914 Operating Capital Outlay			From Operating		
From Operating			Trust Fund		60,210
Trust Fund		307	934 Expenses		
Landscape Architecture, Board of			From Operating		
915 Other Personal Services			Trust Fund		50,667
From Operating			935 Operating Capital Outlay		
Trust Fund		12,347	From Operating		
			Trust Fund		335

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
Pharmacy, Board of			955 Operating Capital Outlay		
936 Salaries and Benefits	11		From Operating		
Trust Fund		173,815	Trust Fund		8,527
937 Other Personal Services			956 Data Processing Services		
From Operating			From Operating		
Trust Fund		27,668	Trust Fund		3,901
938 Expenses			Cosmetology, Board of		
From Operating			957 Salaries and Benefits ..	27	
Trust Fund		88,919	From Operating		
939 Operating Capital Outlay			Trust Fund		233,650
From Operating			958 Other Personal Services		
Trust Fund		960	From Operating		
Podiatry Examiners, Board of			Trust Fund		79,300
940 Other Personal Services			959 Expenses		
From Operating			From Operating		
Trust Fund		16,246	Trust Fund		251,892
941 Expenses			960 Grants and Aids		
From Operating			From Operating		
Trust Fund		5,870	Trust Fund		1,000
Psychology, Board of			961 Operating Capital Outlay		
Examiners of			From Operating		
942 Other Personal Services			Trust Fund		30,768
From Operating			962 Data Processing Services		
Trust Fund		12,529	From Operating		
943 Expenses			Trust Fund		4,310
From Operating			Electrical Contractors' Licensing Board		
Trust Fund		3,585	963 Other Personal Services		
Veterinary Medicine, Board of			From Operating		
944 Other Personal Services			Trust Fund		17,781
From Operating			964 Expenses		
Trust Fund		21,720	From Operating		
945 Expenses			Trust Fund		28,905
From Operating			Massage, Board of		
Trust Fund		9,240	965 Other Personal Services		
Nursing Home Administrators, Board of Examiners of			From Operating		
946 Other Personal Services			Trust Fund		11,327
From Operating			966 Expenses		
Trust Fund		28,756	From Operating		
947 Expenses			Trust Fund		10,372
From Operating			Naturopathic Examiners, Board of		
Trust Fund		21,082	967 Other Personal Services		
Occupations, Division of Barbers' Sanitary Commission			From Operating		
948 Salaries and Benefits ..	10		Trust Fund		600
From Operating			968 Expenses		
Trust Fund		91,283	From Operating		
949 Other Personal Services			Trust Fund		447
From Operating			Opticians, Board of Dispensing		
Trust Fund		13,032	969 Other Personal Services		
950 Expenses			From Operating		
From Operating			Trust Fund		19,751
Trust Fund		65,467	970 Expenses		
951 Operating Capital Outlay			From Operating		
From Operating			Trust Fund		15,410
Trust Fund		900	Real Estate Commission		
Construction Industry Licensing Board			971 Salaries and Benefits ..	133	
952 Salaries and Benefits ..	29		From Operating		
From Operating			Trust Fund		1,247,125
Trust Fund		289,940	972 Other Personal Services		
953 Other Personal Services			From Operating		
From Operating			Trust Fund		189,302
Trust Fund		190,364	973 Expenses		
954 Expenses			From Operating		
From Operating			Trust Fund		513,489
Trust Fund		308,484	974 Grants and Aids		
			From Operating		
			Trust Fund		23,000

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
975 Operating Capital Outlay			ernment Additional Homestead Exemption Trust Fund		
From Operating Trust Fund		54,225	From General Revenue Fund	20,000,000	
976 Data Processing Services			991 Data Processing Services		
From Operating Trust Fund		18,000	From Administrative Trust Fund		43,668
Sanitarians' Registration Board			Provided that all foreign tax examiner positions in the Department of Revenue are permitted to receive per diem allowances when they are stationed in any city or town, including periods of time in excess of 30 days.		
977 Other Personal Services			Ad Valorem Tax, Division of		
From Operating Trust Fund		2,500	992 Salaries and Benefits	79	
978 Expenses			From Administrative Trust Fund		1,046,676
From Operating Trust Fund		1,812	993 Other Personal Services		
Watchmakers' Commission			From Administrative Trust Fund		108,700
979 Other Personal Services			994 Expenses		
From Operating Trust Fund		12,047	From Administrative Trust Fund		332,687
980 Expenses			995 Operating Capital Outlay		
From Operating Trust Fund		13,864	From Administrative Trust Fund		13,169
981 Operating Capital Outlay			996 Special Categories		
From Operating Trust Fund		600	Aerial Photography & Mapping		
PUBLIC SERVICE COMMISSION			From Administrative Trust Fund		300,000
982 Salaries and Benefits	322		997 Data Processing Services		
From Regulatory Trust Fund		4,127,426	From Administrative Trust Fund		8,544
983 Other Personal Services			Provided that funds included in items 994 and 995 for annualization costs of currently vacant positions in the division of ad valorem tax shall be held in reserve by the department of administration, and released only when the positions become filled.		
From Regulatory Trust Fund		184,039	Corporate, Estate, and Intangible Tax, Division of		
984 Expenses			998 Salaries and Benefits	278	
From Regulatory Trust Fund		1,284,003	From General Revenue Fund		1,004,748
985 Operating Capital Outlay			From Intangible Tax Trust Fund		1,610,677
From Regulatory Trust Fund		144,205	999 Other Personal Services		
985A Lump Sum	7		From General Revenue Fund		66,100
From Regulatory Trust Fund		110,000	From Intangible Tax Trust Fund		57,909
Provided, CS/HB 1543 or similar legislation becomes law.			1000 Expenses		
986 Data Processing Services			From General Revenue Fund		421,573
From Regulatory Trust Fund		98,000	From Intangible Tax Trust Fund		622,892
REVENUE, DEPARTMENT OF			1001 Operating Capital Outlay		
Office of the Executive Director and Division of Administration			From General Revenue Fund		33,600
987 Salaries and Benefits	112				
From General Revenue Fund		889,532			
From Administrative Trust Fund		229,015			
988 Other Personal Services					
From Administrative Trust Fund		4,600			
989 Expenses					
From Administrative Trust Fund		165,121			
990 Operating Capital Outlay					
From Administrative Trust Fund		21,288			
990A Special Categories					
Lump Sum for Transfer to Local Gov-					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
			From Intangible Tax Trust Fund		19,595
1002 Special Categories County Tax Forms			From Gasoline Tax Administrative Trust Fund		2,123
From Intangible Tax Trust Fund		550,000	From Severance Tax Solid Mineral Trust Fund		103
1003 Data Processing Serv- ices			1014 Special Categories Commissions to Tax Collectors and Others		
From General Reve- nue Fund		94,943	From General Reve- nue Fund		451,860
From Intangible Tax Trust Fund		305,662	From Documentary Stamp Surtax Trust Fund		81,725
Sales and Use Tax, Division of			1015 Data Processing Serv- ices		
1004 Salaries and Benefits	433		From General Reve- nue Fund		2,518
From General Reve- nue Fund		4,440,235	From Gasoline Tax Administrative Trust Fund		59,065
1005 Other Personal Serv- ices			From Severance Tax Solid Mineral Trust Fund		2,969
From General Reve- nue Fund		16,915			
1006 Expenses			SECRETARY OF STATE AND DEPARTMENT OF STATE		
From General Reve- nue Fund		1,233,177	Office of the Secretary and Division of Administrative Services		
1007 Operating Capital Out- lay			1016 Salaries and Benefits	94	
From General Reve- nue Fund		22,985	From General Reve- nue Fund		955,962
1008 Special Categories National Association of Tax Administra- tors			1017 Expenses		
From General Reve- nue Fund		4,100	From General Reve- nue Fund		324,304
1009 Data Processing Serv- ices			From Flag Trust Fund		15,750
From General Reve- nue Fund		431,931	1018 Operating Capital Out- lay		
Miscellaneous Tax, Division of			From General Reve- nue Fund		7,455
1010 Salaries and Benefits	68		1019 Data Processing Serv- ices		
From General Reve- nue Fund		446,430	From General Reve- nue Fund		15,917
From Gasoline Tax Administrative Trust Fund		253,141	Elections, Division of		
From Documentary Stamp Surtax Trust Fund		33,181	1020 Salaries and Benefits	37	
From Severance Tax Solid Mineral Trust Fund		29,852	From General Reve- nue Fund		322,120
1011 Other Personal Serv- ices			1021 Other Personal Serv- ices		
From General Reve- nue Fund		2,005	From General Reve- nue Fund		22,858
From Gasoline Tax Administrative Trust Fund		4,653	1022 Expenses		
From Documentary Stamp Surtax Trust Fund		71	From General Reve- nue Fund		158,899
From Severance Tax Solid Mineral Trust Fund		71	From Publications Revolving Trust Fund		22,105
1012 Expenses			1023 Operating Capital Out- lay		
From General Reve- nue Fund		120,078	From General Reve- nue Fund		3,675
From Gasoline Tax Administrative Trust Fund		87,610	1023A Lump Sum		
From Documentary Stamp Surtax Trust Fund		7,858	From General Reve- nue Fund		350,000
From Severance Tax Solid Mineral Trust Fund		6,064	Contingent upon HB 1936 or similar legisla- tion becoming law.		
1013 Operating Capital Out- lay			1024 Special Categories Election Investigations and Hearings		
From General Reve- nue Fund		2,382	From General Reve- nue Fund		85,000
			1024A Special Categories Special Elections		
			From General Reve- nue Fund		150,000
			Provided, however, that funds in Item		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
1024A are contingent upon passage of SB 681 or similar legislation and shall be in lieu of amounts appropriated in that legislation.			From Book Processing Center Trust Fund		48,859
ARCHIVES, HISTORY, and RECORDS MANAGEMENT, DIVISION of			1038 Grants and Aids		
1025 Salaries and Benefits ..	69		From General Revenue Fund		1,500,000
From General Revenue Fund		708,603	From Library Services Trust Fund		2,800,000
From Operating Trust Fund		61,524	1039 Operating Capital Outlay		
From Microfilm Revolving Trust Fund		15,258	From General Revenue Fund		69,030
1026 Other Personal Services			From Library Services Trust Fund		100,000
From General Revenue Fund		91,408	From Book Processing Center Trust Fund		4,606
From Operating Trust Fund		25,205	Cultural Affairs, Division of Office of the Division Director		
From Microfilm Revolving Trust Fund		150,624	1040 Salaries and Benefits ..	7	
1027 Expenses			From General Revenue Fund		71,184
From General Revenue Fund		548,921	From Fine Arts Council Trust Fund		18,383
From Operating Trust Fund		32,656	1041 Expenses		
From Microfilm Revolving Trust Fund		119,219	From General Revenue Fund		27,612
1028 Operating Capital Outlay			From Fine Arts Council Trust Fund		2,300
From General Revenue Fund		82,178	1042 Grants and Aids		
1029 Data Processing Services			From General Revenue Fund		300,000
From General Revenue Fund		17,000	From Fine Arts Council Trust Fund		400,000
Corporations, Division of			Provided that moneys appropriated in item 1042 from general revenue shall, pursuant to contract or grant agreement with local groups engaged in or concerned with the arts, be used to supplement the financial support of:		
1030 Salaries and Benefits ..	123		(1) Productions which have substantial artistic and cultural significance, giving emphasis to American Creativity and the maintenance and encouragement of professional excellence and		
From General Revenue Fund		990,842	(2) Productions meeting professional standards or standards of authenticity, irrespective of origin, which are of significant merit and which without such assistance would otherwise be unavailable to the citizens of Florida.		
1031 Other Personal Services			Subject to the recommendations of the Fine Arts Council of Florida and approval of the Secretary of State, the total grant amount to any group shall not exceed 50 per centum of the Non-Federal share of the cost of such production, except that not more than 20		
From General Revenue Fund		41,539			
1032 Expenses					
From General Revenue Fund		249,072			
1033 Operating Capital Outlay					
From General Revenue Fund		39,292			
1034 Data Processing Services					
From General Revenue Fund		219,543			
State Library Services, Division of					
1035 Salaries and Benefits ..	51				
From General Revenue Fund		406,628			
From Book Processing Center Trust Fund		107,853			
1036 Other Personal Services					
From General Revenue Fund		11,418			
From Book Processing Center Trust Fund		1,785			
1037 Expenses					
From General Revenue Fund		99,927			

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
per centum of the funds appropriated for this purpose may be available for grants and contracts without regards to such limitation.			Asolo State Theater of Florida		
1043 Operating Capital Outlay			1059 Expenses		
From General Revenue Fund		198	From General Revenue Fund		104,325
From Fine Arts Council Trust Fund		900	Stephen Foster Memorial, Board of Trustees of the		
Historic Pensacola Preservation Board			1060 Salaries and Benefits	35	
1044 Salaries and Benefits	13		From General Revenue Fund		223,654
From Operating Trust Fund		164,370	From Operating Trust Fund		56,534
1045 Other Personal Services			1061 Other Personal Services		
From Operating Trust Fund		42,255	From Operating Trust Fund		20,153
1046 Expenses			1062 Expenses		
From Operating Trust Fund		68,848	From Operating Trust Fund		204,867
1047 Operating Capital Outlay			1063 Grants and Aids		
From Operating Trust Fund		24,793	From Operating Trust Fund		2,000
1048 Special Categories Transfer to Operating Trust Fund			1064 Operating Capital Outlay		
From General Revenue Fund		166,714	From Operating Trust Fund		31,446
Historic St. Augustine Preservation Board			Historic Tallahassee Preservation Board		
1049 Salaries and Benefits	33		1065 Salaries and Benefits	5	
From Operating Trust Fund		318,369	From Operating Trust Fund		48,253
1050 Other Personal Services			1066 Other Personal Services		
From Operating Trust Fund		32,090	From Operating Trust Fund		6,166
1051 Expenses			1067 Expenses		
From Operating Trust Fund		112,607	From Operating Trust Fund		27,797
1052 Operating Capital Outlay			1068 Operating Capital Outlay		
From Operating Trust Fund		7,420	From Operating Trust Fund		2,214
1053 Special Categories Transfer to Operating Trust Fund			1069 Special Categories Transfer to Operating Trust Fund		
From General Revenue Fund		266,190	From General Revenue Fund		61,448
1054 Debt Service			Historic Key West Preservation Board		
From Operating Trust Fund		11,400	1070 Salaries and Benefits	2	
Ringling Museum of Art, Board of Trustees of the John and Mable			From Operating Trust Fund		17,220
1055 Salaries and Benefits	80		1071 Other Personal Services		
From General Revenue Fund		503,230	From Operating Trust Fund		32,500
From Incidental Trust Fund		211,080	1072 Expenses		
1056 Other Personal Services			From Operating Trust Fund		6,510
From Incidental Trust Fund		57,794	1073 Operating Capital Outlay		
1057 Expenses			From Operating Trust Fund		1,930
From Incidental Trust Fund		362,883	1074 Special Categories Transfer to Operating Trust Fund		
1058 Operating Capital Outlay			From General Revenue Fund		44,256
From Incidental Trust Fund		176,230	TRANSPORTATION, DEPARTMENT OF		
From Investment Trust Fund		80,000	Office of the Secretary and Division of Administration		
			1075 Salaries and Benefits	1,891	
			From Working Capital Trust Fund		18,632,836
			1076 Other Personal Services		
			From Working Capital Trust Fund		1,000,166

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
1077 Expenses			1093 Operating Capital Outlay		
From Working Capital Trust Fund ---		5,794,041	From Working Capital Trust Fund ---		12,681
1078 Operating Capital Outlay			1094 Special Categories Engineering Consultants		
From Working Capital Trust Fund ---		180,917	From Working Capital Trust Fund ---		552,000
1079 Special Categories Overtime			1095 Special Categories Public Transportation Structures Improvements		
From Working Capital Trust Fund ---		318,586	From Working Capital Trust Fund ---		100,000
1080 Special Categories Consultant Fees			Provided that funds included in items 1092 and 1095 shall not be utilized to purchase or maintain benches or shelters.		
From Working Capital Trust Fund ---		273,530	1096 Special Categories Payments for Centralized Support Services		
1081 Special Categories Florida Highway Patrol Services			From Working Capital Trust Fund ---		66,095
From Working Capital Trust Fund ---		3,914,825	1097 Deleted		
1082 Special Categories Right of Way O.P.S. Fees			1098 Deleted		
From Working Capital Trust Fund ---		2,480,000	1099 Deleted		
1083 Special Categories Road Advertising Payments			Planning and Programming, Division of		
From Working Capital Trust Fund ---		13,225,000	1100 Salaries and Benefits	393	
1084 Special Categories Right of Way Land Acquisition			From Working Capital Trust Fund ---		5,088,665
From Working Capital Trust Fund ---		61,500,000	1101 Other Personal Services		
1085 Special Categories Risk Management Insurance			From Working Capital Trust Fund ---		134,259
From Working Capital Trust Fund ---		1,188,707	1102 Expenses		
1086 Special Categories Payments for Centralized Support Services			From Working Capital Trust Fund ---		572,227
From Working Capital Trust Fund ---		972,682	1103 Grants and Aids		
1087 Special Categories Toll Facilities Insurance			From Working Capital Trust Fund ---		240,000
From Working Capital Trust Fund ---		400,000	1104 Operating Capital Outlay		
1088 Data Processing Services			From Working Capital Trust Fund ---		57,545
From Working Capital Trust Fund ---		2,556,241	1105 Special Categories Overtime		
Mass Transit, Division of			From Working Capital Trust Fund ---		21,944
1089 Salaries and Benefits	87		1106 Special Categories Engineering and Planning Consultants		
From Working Capital Trust Fund ---		1,267,730	From Working Capital Trust Fund ---		1,985,000
1090 Other Personal Services			1107 Special Categories Payments for Centralized Support Services		
From Working Capital Trust Fund ---		8,017	From Working Capital Trust Fund ---		86,424
1091 Expenses			Road Operations, Division of		
From Working Capital Trust Fund ---		155,041	1108 Salaries and Benefits	7,969	
1092 Grants and Aids State Matching			From Working Capital Trust Fund ---		72,678,699
From Working Capital Trust Fund ---		9,815,353	1109 Other Personal Services		
Provided, however, any unexpended grants and aids shall be utilized in subsequent years consistent with section 334.024, F.S. Funds appropriated for mass transit projects may be utilized to implement a car pool, bus pool and turbo train project.			From Working Capital Trust Fund ---		311,214
			1110 Expenses		
			From Working Capital Trust Fund ---		6,529,172
			1111 Operating Capital Outlay		
			From Working Capital Trust Fund ---		362,735

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
1112 Special Categories Overtime From Working Capital Trust Fund ---		1,768,400	From Hillsborough County Expressway and Project Construction Trust Fund -----		124,952
1113 Special Categories Right of Way O.P.S. Fees From Working Capital Trust Fund ---		460,563	1128 Special Categories Construction Engineering From Hillsborough County Expressway and Project Construction Trust Fund -----		669,033
1114 Special Categories Consultant Fees From Working Capital Trust Fund ---		9,383,880	1129 Special Categories Land Costs From Hillsborough County Expressway and Project Construction Trust Fund -----		3,183,870
1115 Special Categories Prison Labor Services From Working Capital Trust Fund ---		3,353,690	1130 Special Categories Construction Contracts From Hillsborough County Expressway and Project Construction Trust Fund -----		16,317,877
1116 Special Categories Road Construction Contracts From Working Capital Trust Fund ---		282,681,512	Burns Data Center		
1117 Special Categories Payments for Centralized Support Services From Working Capital Trust Fund ---		19,968,046	1131 Salaries and Benefits ..	97	
1118 Debt Service From Working Capital Trust Fund ---		7,507,915	From Working Capital Trust Fund ---		899,205
1118A Lump Sum Contingent on Closure of Road Prisons -----	30		1132 Other Personal Services From Working Capital Trust Fund ---		20,128
From Working Capital Trust Fund ---		90,749	1133 Expenses From Working Capital Trust Fund ---		1,586,137
Centralized Mobile Equipment and Warehouse Operations			1134 Operating Capital Outlay From Working Capital Trust Fund ---		28,165
1119 Salaries and Benefits ..	360		1135 Special Categories Overtime From Working Capital Trust Fund ---		16,664
From Working Capital Trust Fund ---		3,488,934	1136 Special Categories Payments for Centralized Support Services From Working Capital Trust Fund ---		5,942
1120 Other Personal Services From Working Capital Trust Fund ---		6,605	TOTAL OF SECTION 01 From General Revenue Fund -----	2,331,454,435	1,886,543,333
1121 Expenses From Working Capital Trust Fund ---		12,146,527	From Trust Funds ..		
1122 Operating Capital Outlay From Working Capital Trust Fund ---		5,924,976	Section 2. The moneys in the following items are appropriated from the named funds for the 1974-75 fiscal year to the Department of General Services for the Fixed Capital Outlay for the following agencies. The sums provided herein are the maximum sums appropriated; however, where an appropriation is for a named project, and where it is found to be in excess of that needed to fully complete that project, the excess may be transferred, notwithstanding the provisions of Section 216-301(2), Florida Statutes, to another project named herein in the same fund and within the same department where a deficiency is found to exist. Any transfer is subject to the approval of the Department of Administration.		
1123 Special Categories Overtime From Working Capital Trust Fund ---		35,000	Provided further, that the responsibility for maintaining the appropriate accounting records may be delegated by the Department of General Services to the named agencies herein for all capital outlay appropriations, including those certified forward by the Department of Administration on July 1, 1974.		
1124 Special Categories Risk Management Insurance From Working Capital Trust Fund ---		433,401	ADMINISTRATION, DEPARTMENT OF		
Tampa-Hillsborough County Expressway Authority			1 Fixed Capital Outlay Inflationary Allowance From General Revenue Fund -----	25,000,000	
1125 Special Categories Administrative Expense From Hillsborough County Expressway and Project Construction Trust Fund -----		66,696	Provided, these funds shall be used to sup-		
1126 Special Categories Right of Way Acquisition From Hillsborough County Expressway and Project Construction Trust Fund -----		292,916			
1127 Special Categories Consultant Costs					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
plement the following projects and also such other projects which were funded prior to the 1974-75 fiscal year from the General Revenue Fund and which have not exceeded the scope of the original plans:			the sale of State Fair General Revenue Bonds by July 1, 1975, or the State Fair's entrance into a firm underwriting agreement for the sale of said bonds by July 1, 1975, or having a State Fair alternative plan of financing approved by the State Board of Administration by July 1, 1975. It is further provided that none of the funds appropriated herein shall be made available to the State Fair until the State Fair has sold its General Revenue Bonds and received the proceeds therefrom, or has received the proceeds from an alternative plan of financing approved by the State Board of Administration.		
1. Brevard Correctional Institution			4 Fixed Capital Outlay Erosion Control at Laboratory Complex		
2. Capitol Complex			From General Revenue Fund		50,000
3. Fort Myers Chapel			Marketing, Division of		
4. Driver licensing patrol stations and motor vehicle offices in Miami, West Broward County, Sarasota, Northwest Hillsborough County, Jacksonville, North Palm Beach, Tampa, Daytona Beach, South Sarasota County, Bay County, Escambia County, St. Lucie County, and Palm Beach County			5 Fixed Capital Outlay Lump Sum for Market Improvements		
5. Archives and History Building			From Market Improvements Working Capital Trust Fund		2,000,000
6. Food Service Complex at Gainesville			5A Fixed Capital Outlay For Transfer to the Market Improvements Working Capital Trust Fund		
7. Dade County Marine Facility			From General Revenue Fund		2,000,000
The Capitol Complex shall be eligible for funds from this amount to increase the scope of the project as presented to the Governor and included in his 1974-75 recommended budget. These funds shall also be available for any inflationary costs on county youth detention projects which are to be taken over as state-operated facilities upon the completion of construction. Provided further that these funds may be used to renovate the Santa Rosa County Nursing Home.			Plant Industry, Division of		
2 Deleted			6 Fixed Capital Outlay Additions and Improvements, Winter Haven		
AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE			From General Revenue Fund		118,300
Administration, Division of			7 Fixed Capital Outlay Pollution Control Facility for Fumigation Units, Gainesville		
3 Fixed Capital Outlay Mayo Building Renovation (Supplement), Tallahassee			From Nursery Inspection Trust Fund		21,300
From General Inspection Trust Fund		368,000	8 Deleted		
3A Fixed Capital Outlay State Fair			8A Fixed Capital Outlay Entomology Wing		
From General Revenue Fund		6,200,000	Planning, Doyle Conner Building, Gainesville		
Contingent upon passage of HB 3102 or similar legislation and			From General Revenue Fund		4,000
			Forestry, Division of		
			9 Fixed Capital Outlay Lump Sum for District Facilities		
			From General Revenue Fund		104,000
			9A Fixed Capital Outlay District Headquarters Parking, Orlando		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
From General Revenue Fund		30,000	EDUCATION, DEPARTMENT OF		
10 Fixed Capital Outlay			Community Colleges, Division of		
Red Rock Recreation Facility, Blackwater River State Forest			13 Fixed Capital Outlay Renovation		
From General Revenue Fund		9,100	From General Revenue Fund		3,500,000
11 Fixed Capital Outlay			Florida School for the Deaf and the Blind		
Environmental Education Facilities, WSF and BRSF			14 Fixed Capital Outlay		
From General Revenue Fund		213,300	Dormitory Complex for the Deaf—Phase II		
11A Fixed Capital Outlay			From General Revenue Fund		600,000
Purchase of Lindsay Property—Withlacoochee State Forest			15 Fixed Capital Outlay		
From Incidental Trust Fund		60,000	Walker Hall Annex air conditioning		
11B Fixed Capital Outlay			From General Revenue Fund		152,800
Ranger Residence, Big Pine Key			16 Fixed Capital Outlay		
From General Revenue Fund		26,367	Koger Hall air conditioning		
11C Fixed Capital Outlay			From General Revenue Fund		159,600
Relocation of Herren Nursery			17 Fixed Capital Outlay		
From Incidental Trust Fund		164,000	Emergency Generator		
			From General Revenue Fund		55,800
			17A Fixed Capital Outlay		
			Replace Steam Line		
			From General Revenue Fund		60,000
COMMERCE,			Universities, Division of		
DEPARTMENT OF			18 Deleted		
Tourism, Division of			19 Fixed Capital Outlay		
12 Deleted			Renovation		
12A Fixed Capital Outlay			From General Revenue Fund		6,500,000
Welcome Station Renovation, Hilliard			20 Deleted		
From General Revenue Fund		66,000	20A Fixed Capital Outlay		
			U.F. Health Center—Renovation		
			From General Revenue Fund		1,323,000
			21 Deleted		
COMMUNITY AFFAIRS,			21A Fixed Capital Outlay		
DEPARTMENT OF			New College		
Inter-American Center Authority			From General Revenue Fund		3,037,000
12B Fixed Capital Outlay			Provides for the acquisition and operation of New College.		
Amphitheatre—Exhibition Pavilion, North Miami			21B Fixed Capital Outlay		
From General Revenue Fund		6,254,000	Repairs to Dormitories		
In the event the Inter-American Center Authority has not sold its General Revenue Bonds by December 31, 1974, or entered into a firm underwriting agreement for the sale of said bonds by December 31, 1974, the funds herein appropriated to the Inter-American Center Authority shall revert on January 1, 1975, to the General Revenue Fund. It is further provided that none of the funds appropriated herein shall be made available to the Inter-American Center Authority until the Inter-American Center Authority has sold its General Revenue Bonds and received the proceeds therefrom.			From General Revenue Fund		1,200,000
			21C Fixed Capital Outlay		
			Continuing Educational Center—FSU, Planning		
			From General Revenue Fund		324,600
			GENERAL SERVICES, DEPARTMENT OF		
			22 Deleted		
			23 Fixed Capital Outlay		
			Capitol Center Electrical Distribution System		
			From General Revenue Fund		1,470,600
			24 Fixed Capital Outlay		
			Storm Drainage Line, Capitol Center		
			From General Revenue Fund		115,500
			25 Deleted		
			26 Deleted		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
27 Fixed Capital Outlay Capitol Center Motor Pool—Planning and Land Acquisition From General Revenue Fund		59,000	Corrections, Division of 34 Fixed Capital Outlay Correction of Hospital Deficiencies for Licensing From General Revenue Fund		260,000
28 Fixed Capital Outlay Land Acquisition, Capitol Center From General Revenue Fund		1,525,000	35 Fixed Capital Outlay Equip Seven Vocational Centers From General Revenue Fund		396,000
28A Fixed Capital Outlay Regional Office Facility—Planning, Land Acquisition and Construction, Duval County From General Revenue Fund		11,000,000	36 Deleted		
28B Fixed Capital Outlay Regional Office Facility—Planning, Land Acquisition and Construction, Escambia County From General Revenue Fund		5,100,000	36A Fixed Capital Outlay New Institutions: Land Acquisition and Planning of Two 150 Bed Institutions in Polk, Hillsborough or Pinellas Counties From General Revenue Fund		900,000
28C Fixed Capital Outlay Regional Office Facility—Planning, Land Acquisition and Construction, Palm Beach County From General Revenue Fund		5,000,000	37 Fixed Capital Outlay Miscellaneous Repairs and Renovations, FSP From General Revenue Fund		405,000
28D Fixed Capital Outlay Regional Office Facility—Planning, Land Acquisition and Construction, Broward County From General Revenue Fund		5,000,000	38 Fixed Capital Outlay Electrical Service and Security Lighting for new compound, GCI From General Revenue Fund		65,500
29 Fixed Capital Outlay Demolition and Redevelopment From General Revenue Fund		40,000	39 Fixed Capital Outlay Electrical Distribution System Renovation, APCI From General Revenue Fund		50,000
30 Deleted			40 Fixed Capital Outlay Utilities Conversion, ACI From General Revenue Fund		260,000
31 Fixed Capital Outlay Elevator Renovation, Carlton Building From General Revenue Fund		66,800	41 Fixed Capital Outlay Miscellaneous Repairs and Renovations, SCI From General Revenue Fund		99,000
32 Fixed Capital Outlay Air Conditioning Renovation, Carlton Building From General Revenue Fund		58,100	42 Fixed Capital Outlay Miscellaneous Repairs and Renovations, CCC From General Revenue Fund		129,800
33 Fixed Capital Outlay Capitol Center Office Building—Supplemental From General Revenue Fund		350,000	43 Fixed Capital Outlay Electrical Distribution, FCI From General Revenue Fund		42,600
HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF Administrative Services, Division of			44 Fixed Capital Outlay Security System Extension, DCI From General Revenue Fund		169,700
33A Fixed Capital Outlay Institute for the Mentally Ill Criminal and Sexual Psychopath, 225 bed Facility in South Florida From General Revenue Fund		7,700,000	45 Fixed Capital Outlay Additional Repairs and Renovations, CCC From General Revenue Fund		200,000
			46 Deleted		
			47 Fixed Capital Outlay Dining and Kitchen Replacement, APCI From General Revenue Fund		506,900
			48 Deleted		
			49 Deleted		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
49A Fixed Capital Outlay Planning for Correctional Facilities From General Revenue Fund		350,000	63 Fixed Capital Outlay Warehouse, Alyce McPherson School From General Revenue Fund		157,700
50 Fixed Capital Outlay Perimeter Security, ACI From General Revenue Fund		312,200	64 Fixed Capital Outlay Fire Safety Deficiencies—Correction, Various Locations From General Revenue Fund		157,000
51 Fixed Capital Outlay Dining and Kitchen Renovation, DCI From General Revenue Fund		75,500	65 Fixed Capital Outlay Fire Safety Deficiencies—Correction, Okeechobee From General Revenue Fund		100,700
52 Fixed Capital Outlay Visitors' Building, FCI From General Revenue Fund		177,700	66 Fixed Capital Outlay Halfway House, St. Petersburg From General Revenue Fund		275,000
53 Fixed Capital Outlay Visitors' Registration Depot, and Arsenal, FSP From General Revenue Fund		51,300	67 Fixed Capital Outlay Kitchen and Dining renovations, McCoy Boy's Base From General Revenue Fund		35,000
54 Fixed Capital Outlay Perimeter Security improvement, FSP From General Revenue Fund		125,600	68 Fixed Capital Outlay Vocational Building—Equipment, Youth Development Center From General Revenue Fund		53,000
55 Deleted			69 Fixed Capital Outlay Group Treatment Facilities, Four Locations From General Revenue Fund		376,000
56 Fixed Capital Outlay Emergency Generator, DCI From General Revenue Fund		122,900	70 Fixed Capital Outlay Gymnasium, Youth Development Center From General Revenue Fund		36,000
57 Fixed Capital Outlay Crawl Space Fill, GCI From General Revenue Fund		66,000	71 Fixed Capital Outlay Six Units of Group Treatment Facilities From General Revenue Fund		1,000,000
58 Fixed Capital Outlay Perimeter Security Improvement, RMC From General Revenue Fund		163,900			
59 Fixed Capital Outlay Feed Storage System, ACI From Industrial Trust Fund					
60 Fixed Capital Outlay Locker Renovation, GCI From Industrial Trust Fund					
61 Fixed Capital Outlay Ice Facilities, ACI From Industrial Trust Fund					
61A Fixed Capital Outlay Reception and Medical Center, Lake Butler—Hot Water Distribution System From General Revenue Fund		306,007			
Youth Services, Division of					
62 Fixed Capital Outlay Cedar Group Treatment HCME—Purchase, Volusia County—Supplemental From General Revenue Fund		4,000			
Provided, that these funds shall be combined with the 1973-74 appropriation for this same purpose.					
			Mental Health, Division of		
			72 Fixed Capital Outlay Correction of Hospital Deficiencies for Licensing From General Revenue Fund		2,289,000
			73 Fixed Capital Outlay Forensic Ward Renovations, SFSH From General Revenue Fund		424,300
			74 Fixed Capital Outlay Electrical Distribution System Renovation, NFSH From General Revenue Fund		436,900
			75 Fixed Capital Outlay Major Repairs and Renovations, SFSH From General Revenue Fund		448,500
			76 Fixed Capital Outlay Major Repairs and Renovations, FSH From General Revenue Fund		332,000

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
77 Fixed Capital Outlay Major Repairs and Im- provements, GPWH From General Reve- nue Fund		248,000	Renovations, Miami From General Reve- nue Fund		124,500
78 Deleted			91 Fixed Capital Outlay Dental Service Build- ing, Gainesville From General Reve- nue Fund		75,100
79 Fixed Capital Outlay Children's Unit Reno- vation, NFSH From General Reve- nue Fund		255,000	92 Fixed Capital Outlay Fire Alarm System, Orlando From General Reve- nue Fund		97,700
80 Fixed Capital Outlay Patient Wards Air Conditioning, SFSH From General Reve- nue Fund		58,000	93 Fixed Capital Outlay Ward Renovation, Orlando From General Reve- nue Fund		15,100
81 Fixed Capital Outlay Patient Cottages Air Conditioning, SFSH From General Reve- nue Fund		1,400,000	94 Fixed Capital Outlay Facilities Utilization Study, Gainesville From General Reve- nue Fund		50,000
82 Fixed Capital Outlay Patient Wards Air Conditioning, FSH From General Reve- nue Fund		750,000	95 Fixed Capital Outlay Cottage Renovation, Ft. Myers From General Reve- nue Fund		100,000
83 Fixed Capital Outlay Patient Wards Air Conditioning and Renovation, GPWH From General Reve- nue Fund		221,400	96 Fixed Capital Outlay Cottage Improvement, Marianna From General Reve- nue Fund		35,000
84 Fixed Capital Outlay Kitchen Addition, SFSH From General Reve- nue Fund		57,800	97 Fixed Capital Outlay Kitchen Floor Replace- ment, Tallahassee From General Reve- nue Fund		26,100
85 Deleted			98 Fixed Capital Outlay Boiler Replacement, Tallahassee From General Reve- nue Fund		57,900
85A Fixed Capital Outlay Closed Circuit T.V./ FSH From General Reve- nue Fund		36,000	99 Fixed Capital Outlay Cottage Heating System Renova- tion, Gainesville From General Reve- nue Fund		150,000
85B Fixed Capital Outlay Security Fence/FSH From General Reve- nue Fund		62,400	100 Fixed Capital Outlay Research and Evalua- tion Laboratory, Marianna From General Reve- nue Fund		60,000
85C Fixed Capital Outlay Chapel Construction/ FSH From General Reve- nue Fund		300,000	101 Fixed Capital Outlay Cottage Life Offices Miami From General Reve- nue Fund		76,400
Retardation, Division of			102 Fixed Capital Outlay Warehouse, Miami From General Reve- nue Fund		216,300
86 Fixed Capital Outlay Correction of Hospital Deficiencies for Licensing From General Reve- nue Fund		1,391,100	103 Fixed Capital Outlay Recreation Pavilions, Miami From General Reve- nue Fund		20,000
86A Fixed Capital Outlay Medicaid Certification of Retardation Facilities From General Reve- nue Fund		2,000,000	104 Fixed Capital Outlay Covered Sidewalks, Gainesville From General Reve- nue Fund		15,000
87 Fixed Capital Outlay Fire Safety Deficien- cies—Correction, Miami From General Reve- nue Fund		232,200	105 Fixed Capital Outlay Swimming Pool and Fenced Play- ground, Orlando From General Reve- nue Fund		30,200
88 Fixed Capital Outlay Laundry—Mainte- nance Building, Orlando From General Reve- nue Fund		345,000	105A Fixed Capital Outlay Sewage Treatment		
89 Deleted					
90 Fixed Capital Outlay Major Repairs and					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
System Supplement, Gainesville From General Revenue Fund		208,000	New Capitol Building From General Revenue Fund		175,000
105B Fixed Capital Outlay Port St. Joe Park/ Phase III From General Revenue Fund		266,768	INTERNAL IMPROVEMENT TRUST FUND, TRUSTEES OF THE		
Vocational Rehabilitation, Division of			114A Fixed Capital Outlay Natural Resources Lands Acquisition From Operating Trust Fund		3,500,000
106 Fixed Capital Outlay Industrial Training Laboratory for the Blind, Daytona Beach From Grants and Donations Trust Fund		90,000	115 Fixed Capital Outlay Renovation, Elliot Building From General Revenue Fund		25,500
From Workshop and Rehabilitation Trust Fund		90,000	LAW ENFORCEMENT, DEPARTMENT OF		
107 Fixed Capital Outlay Six Apartments— Blind Rehabilitation Center, Daytona Beach From Workshop and Rehabilitation Trust Fund		206,600	116 Deleted		
107A Fixed Capital Outlay Major Renovations— Talking Book Library From Grants and Donations Trust Fund		35,000	LEGISLATIVE BRANCH Joint Legislative Management Committee		
Health, Division of			116A Fixed Capital Outlay Photo Composition Device From General Revenue Fund		200,000
108 Deleted			MILITARY AFFAIRS, DEPARTMENT OF		
HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF			117 Fixed Capital Outlay National Guard Armory, Haines City From General Revenue Fund		344,000
109 Fixed Capital Outlay Parking, Tallahassee From General Revenue Fund		10,500	From Federal Funds		578,788
110 Fixed Capital Outlay New Facilities, Brevard (2), Pinellas and Lee Counties From General Revenue Fund		584,200	NATURAL RESOURCES, DEPARTMENT OF		
111 Deleted			Marine Resources, Division of		
112 Fixed Capital Outlay Contingency and Land Acquisition for New Facilities From General Revenue Fund		400,000	118 Deleted		
113 Fixed Capital Outlay Three Driver Testing Ranges From General Revenue Fund		79,400	119 Fixed Capital Outlay Marine Resources Laboratory—Planning, Pinellas County From General Revenue Fund		36,400
113A Fixed Capital Outlay 33 Mobile Homes From General Revenue Fund		287,595	Game and Fresh Water Fish, Division of		
113B Fixed Capital Outlay 33 Utility Hookups From General Revenue Fund		66,000	119A Fixed Capital Outlay Environmental Education Center Improvements, Central and South Florida From General Revenue Fund		95,000
INSURANCE, DEPARTMENT OF, AND TREASURER			119B Fixed Capital Outlay Recreational Facilities, Broward and Dade Counties From Land Acquisition Trust Fund		518,939
114 Fixed Capital Outlay Vault Doors and Security Facilities— Treasurer's Office,			119C Fixed Capital Outlay Recreation Area Improvements, Holiday Park and Sawgrass From Land Acquisition Trust Fund		159,723
			119D Fixed Capital Outlay Nature Appreciation Center, Dade County From Land Acquisition Trust Fund		203,500

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
119E Fixed Capital Outlay Land Acquisition (I-75), South Florida From State Game Trust Fund		90,600	Provided that these funds shall be on a 100% grant basis with- out local matching.		
119F Fixed Capital Outlay Land Acquisition (F.S. 372.573), South Florida From State Game Trust Fund		745,000	TRANSPORTATION, DEPARTMENT OF		
119G Fixed Capital Outlay Wildlife Research Fa- cility, Gainesville From General Reve- nue Fund	77,750		Office of the Secretary and Division of Administration		
119H Fixed Capital Outlay Everglades Recreation- al Area From General Reve- nue Fund	1,000,000		122 Fixed Capital Outlay District Office Com- plex, DeLand From Primary Trust Fund		1,790,800
119I Fixed Capital Outlay Fish Hatchery, Blackwater From General Reve- nue Fund	100,000		123 Fixed Capital Outlay District Office—Plan- ning, Fort Lauder- dale From Primary Trust Fund		20,000
119J Fixed Capital Outlay Checking Stations, Hunt Areas From General Reve- nue Fund	2,000		124 Deleted		
119K Fixed Capital Outlay Outdoor Toilets, Wild- life Management Areas From State Game Trust Fund		6,000	124A Fixed Capital Outlay District Office Land Acquisition, Bartow From Primary Trust Fund		25,000
Recreation and Parks, Division of			Road Operations, Division of		
119L Fixed Capital Outlay Land Acquisition From Land Acquisi- tion Trust Fund		5,500,000	125 Fixed Capital Outlay Flammable Materials Storage Building From Primary Trust Fund		35,500
Provided that \$445,000 of this appropriation is for tree hill acquisi- tion.			126 Fixed Capital Outlay Maintenance Facilities, Orlando From Primary Trust Fund		590,800
120 Fixed Capital Outlay Park Development From Land Acquisi- tion Trust Fund		9,117,800	127 Fixed Capital Outlay Sub-Maintenance Yard, Marathon From Primary Trust Fund		13,800
Provided however, no funds are provided in item 120 for the devel- opment of new individ- ual unit camping areas.			128 Fixed Capital Outlay Maintenance Office Addition, Marianna From Primary Trust Fund		19,000
SECRETARY OF STATE AND DEPARTMENT OF STATE			128A Fixed Capital Outlay Maintenance Yard Land Acquisition, Pensacola From Primary Trust Fund		30,000
Archives, History and Rec- ords Management, Division of			129 Fixed Capital Outlay Lump Sum for Infla- tion on Previous FCO Appropria- tions From Primary Trust Fund		901,600
121 Fixed Capital Outlay Grants for Preserva- tion and Restora- tion of Historic Facilities From General Reve- nue Fund	400,000		129A Fixed Capital Outlay Loan for Advanced Interstate Con- struction From General Reve- nue Fund		64,000,000
121A Fixed Capital Outlay Repairs of McDougall House/Tallahassee From General Reve- nue Fund	104,000		TOTAL OF SECTION 02		182,831,887
121B Fixed Capital Outlay Rainey House/ Apalachicola From General Reve- nue Fund	30,000		From General Reve- nue Fund		
			From Trust Funds		26,955,150
			Section 3. The money in the following item is appropriated to the Board of Regents.		
			EDUCATION, DEPARTMENT OF		
			Universities, Division of		
			AA Fixed Capital Outlay U. F. Health Center Parking Garage From General Reve- nue Fund		4,500,000

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
Provided, that prior requesting release of construction for this parking structure, this agency must have obtained approval from the department of administration of a plan to collect parking fees sufficient to recover this investment (in addition to operating costs). The funds collected for this purpose shall be deposited into the general revenue fund.			Contingent upon passage of HB 3096 or similar legislation.		
INTERNAL IMPROVEMENT TRUST FUND, TRUSTEES OF THE			DEPARTMENT OF EDUCATION		
1 Deleted			General Office Operation and Administration		
NATURAL RESOURCES, DEPARTMENT OF Game and Fresh Water Fish, Division of			AB Contingency		
2 Deleted			From General Revenue Fund		123,000
3 Deleted			Providing \$100,000 to prepare design criteria and \$23,000 for an additional structural engineer and related expenses. Contingent upon passage of CS for HB 4026.		
Recreation and Parks, Division of			Universities, Division of		
4 Deleted			AC Contingency—For Veterans of Vietnam Conflict Tuition Waivers		
5 Deleted			From General Revenue Fund		2,915,362
TRANSPORTATION, DEPARTMENT OF Office of the Secretary and Division of Administration			Contingent upon passage of HB 2233 or similar legislation.		
6 Deleted			GENERAL SERVICES, DEPARTMENT OF		
Road Operations, Division of			AD Lump Sum		
7 Deleted			From General Revenue Fund		800,000
TOTAL OF SECTION 03			Contingent upon passage of HB 4124 or similar legislation.		
From General Revenue Fund		4,500,000	HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF		
Section 4. The following moneys are hereby appropriated to the Department of Education, Division of Elementary and Secondary Education:			Corrections, Division of		
EDUCATION, DEPARTMENT OF Elementary and Secondary Education, Division of			AE Lump Sum		
1 K-12 Construction Program			Correctional Standards Council		
From Federal Revenue Sharing Fund		75,200,000	From General Revenue Fund		48,636
Provided, further, that in the event of passage of CS/HB 4026, \$25,000,000 from the Federal Revenue Sharing Funds referred to above shall be applied toward the purchase of relocatables as more fully described in said Act.			Contingent upon passage of HB 2580 or similar legislation.		
TOTAL OF SECTION 04			Health, Division of		
From Federal Revenue Sharing Fund		75,200,000	BA Lump Sum		
Section 5. There is hereby appropriated the following amounts to the following Departments contingent upon the passage of implementing legislation.			School Health Services		
COMMERCE, DEPARTMENT OF Labor, Division of			From General Revenue Fund		50,000
AA Lump Sum			Provided CS for HB 3208 and HB 3166 or similar legislation becomes law.		
Contingency			HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF		
From Workmen's Compensation Trust Fund		137,500	Motor Vehicles, Division of		
			BB Lump Sum	2	
			From General Revenue Fund		14,544
			Contingent upon passage of HB 3499 or similar legislation.		
			LEGISLATIVE BRANCH		
			BC Lump Sum		
			Contingency	4	
			From General Revenue Fund		104,963
			Contingent upon passage of HB 2346 or similar legislation.		
			BD Lump Sum		
			Contingency	3	
			From General Revenue Fund		130,000

Item	Positions \$	Amount \$
Contingent upon passage of HB 1542 or similar legislation.		
Probate Study Commission		
BE Lump Sum		
Contingency		
From General Revenue Fund		15,000
MILITARY AFFAIRS, DEPARTMENT OF		
General Activities		
BF Lump Sum		
Contingency		
From General Revenue Fund		50,000
Contingent upon passage of HB 3839 or similar legislation.		
POLLUTION CONTROL, DEPARTMENT OF		
BG Lump Sum		
Contingency		
From General Revenue Fund		140,000
Contingent upon passage of CS CS/HB 2837 and 2280 or similar legislation.		
TOTAL OF SECTION 05		
From General Revenue Fund		4,391,505
From Trust Funds		137,500

Section 6. There is hereby appropriated the amounts necessary from the General Revenue Fund to reimburse the Senate appropriation and the House appropriation the actual expenses of witnesses appearing under the provisions of Article III, Section 5, of the Florida Constitution and Chapter 11, F.S.

Section 7. Moneys appropriated in Section 1, Item 7, for moving and reassigning state agencies to office space in the Capitol Center, may be transferred by the Department of Administration to such state agencies for expenditure.

Section 8. For the purpose of reimbursing state agencies for payments made to the Department of Commerce as their share of unemployment compensation benefits paid to their former employees, the amount necessary is hereby appropriated to the Department of Administration from trust funds. Moneys appropriated herein, and in Section 1, Item 8, may be transferred by the Department of Administration to the appropriate agencies for expenditure.

Section 9. Moneys appropriated in Section 1, Item 11, for price increases for electricity, heating supplies, motor fuel and lubricants, may be transferred by the Department of Administration to the appropriate agencies for expenditure.

Section 10. Moneys appropriated in Section 1, Item 14, for purchase of insurance and to finance administrative costs due to the waiver of the State's Sovereign Immunity, may be transferred by the Department of Administration to the appropriate state agency for expenditure.

Section 11. The salaries of the following officers during the fiscal year 1974-75 shall be paid at the annual rate shown below beginning with the dates shown:

	7-1-74	1-1-75
Governor	\$40,000	\$50,000
Lieutenant Governor	36,000	36,000
Secretary of State	36,000	40,000
Comptroller	36,000	40,000
Treasurer, State	36,000	40,000
Attorney General	36,000	40,000
Education, Commissioner of	36,000	40,000
Agriculture, Commissioner of	36,000	40,000
Supreme Court, Justice	36,000	40,000
Judges—District Courts of Appeal	34,000	38,000
Judges—Circuit Courts	32,000	36,000
Commissioner—Public Service Commission	32,000	36,000

Judges—County Courts:

Counties with 40,000 population or less 24,000 26,000

A county court judge of a county of less than 40,000 population assigned to active judicial service in any of the courts created by Article V of the State Constitution, other than to a county court of a county having a population of less than 40,000 shall be paid as additional compensation for such service the difference between his normal salary and the salary then currently paid to a judge of the court to which he is assigned. The amount of such differential shall be computed on the basis of an eight hour day, or major fraction thereof and certified by the chief judge to the judicial administrative commission on a monthly basis.

All population figures relating to county judge salaries referred to herein shall be based on the most recent projected population estimates for July 1, 1974, prepared for the Department of Administration.

Counties over 40,000 population 28,000 34,000

State Attorneys:

Circuits with 100,000 population or less ... 28,000 32,000

Circuits with a population from 100,001

through 200,000 30,000 34,000

Circuits with a population from 200,001

through 1,000,000 32,000 36,000

Circuits over 1,000,000 34,815 38,000

Public Defenders:

Circuits with 100,000 population or less ... 25,000 29,000

Circuits with a population from 100,001

through 200,000 27,000 31,000

Circuits over 200,000 29,000 33,000

Section 12. Provided that none of the officers whose salaries have been fixed in Section 11 shall receive from any county or municipality, except the State Attorney in the 11th Judicial Circuit, any supplemental salary, except as provided elsewhere in this Act.

Section 13. Moneys appropriated in Section 1, Items 55-57, to the Department of Administration for a special project to prevent eutrophication of Lake Okeechobee may be transferred by the Department of Administration to an appropriate state agency for expenditure.

Section 14. The Department of General Services, Division of Building Construction and Maintenance, is hereby authorized to levy and assess the cost of supervision of the construction of every fixed capital outlay project, as owner-representative on behalf of the state, such funds to be transferred to the Architects Incidental Trust Fund of said Division from appropriate construction funds from time to time; subject to the approval of the Department of Administration.

Section 15. None of the moneys appropriated in this Act to the executive branch may be contracted for or expended for consultant services in the field of electronic data processing for what is known in the trade as hardware or software without the prior approval of each contract or obligation by the Department of General Services; provided, however, that this section shall not apply to the electronic data processing exempted under the provisions of Section 23.032, F.S.

Section 16. The moneys in Items 143-145 and 344-350 are appropriated to pay the salaries and other expenditures of the named data centers. Provided, that all receipts shall be deposited in the General Revenue Fund unallocated by the State Comptroller on certification by the Data Center of the charges to each user agency; any provisions of Florida Statutes to the contrary notwithstanding.

Section 17. Where any reorganization has been authorized by the legislature and the necessary adjustments of appropriations and positions have not been provided for, then, notwithstanding the provisions of Section 216.262 and 216.292, F.S., the Administration Commission may approve the necessary transfers to accomplish the purposes of such reorganization.

Section 18. Any individual filling a position authorized in Items 1-1136 of Section 1 of this Act for any state agency cannot be transferred to or his services utilized by any other state agency, except as specifically authorized by law, or

unless the using agency pays for such services which are in excess of one (1) week.

Section 19. A State Agency, financed jointly in this Act by Appropriations from the General Revenue and a Trust Fund, may transfer moneys released from a General Revenue Fund Salaries Appropriation to a Trust Fund Salaries Account for the purpose of processing centralized payroll expenditures, the provisions of Section 216.292, F.S., notwithstanding.

Section 20. The moneys appropriated in Section 1, Items 10A and 10B, deficiency and emergency, may be made available in the manner provided in Section 216.231(1), F.S., for purposes defined as follows:

A. A deficiency is defined as a condition existing when a General Revenue Fund appropriation for a state agency's operations is inadequate because the workload and/or the cost of the operation exceeds that anticipated by the legislature and a determination has been made by the Administration Commission that the deficiency will result in an impairment of an agency's activities to the extent that the agency is unable to carry out its program as provided by the Legislature in the regular Appropriation Acts. These funds shall not be used to create any new agency or program or for attorney fees, increases of salary or the construction or equipping of additional buildings.

B. An emergency is defined as a condition existing when an act(s) or circumstance(s) caused by an Act of God, civil disturbance, natural disaster, or other circumstance of an emergency nature threatens, endangers or damages the property, safety, health or welfare of the state, or of its citizens, which condition has not been provided for in other Appropriation Acts of the Legislature and which has been declared to be an emergency by Executive Order of the Governor.

Section 21. Notwithstanding the provisions of Section 216.292, F.S., the Department of Health and Rehabilitative Services may, with the approval of the Department of Administration, transfer funds to other personal services that are within amounts appropriated to the department, for the purpose of meeting federal requirements and court orders regarding utilization of patient labor in the institutions of the department.

Section 22. No state moneys appropriated in this Act to the Department of Health and Rehabilitative Services, Division of Family Services and Division of Health in Items 547-621, shall be used to pay travel expenses or out-of-state tuition of individuals receiving educational leaves, grants or scholarships. Provided, however, out-of-state tuition may be paid in those instances in which authorized courses are not offered in the State University System.

Section 23. There is hereby appropriated to the Board of Regents for fixed capital outlay-buildings and improvements, all receipts derived from the sale of revenue certificates supported by the capital improvements fee and such other funds as may be pledged for the payment of debt service thereon under the authority granted by Chapter 243, F.S. The proceeds of said revenue certificates shall be allocated for fixed capital outlay projects at the several universities by the Board of Regents with the confirmation of the State Board of Education. Proceeds from said revenue certificates may be combined with bond funds secured in accordance with Article XII, Section 9, of the State Constitution, or with grants and donations, matching funds, funds from the University System Capital Improvement Revolving Trust Fund, from sources other than state funds, or by a combination of such funds.

Section 24. Any section of this Act, or any item herein contained, if found to be invalid or vetoed by the Governor without overriding action of the Legislature shall in no way affect other sections or other items contained in this Act.

Section 25. Notwithstanding the Provisos in Chapter 73-335, Laws of Florida, applicable to items 31-D, 32-A, 32-B, 32-C, 32-D, and 32-E; and items 32-F through 55-A, can be certified forward as provided by Chapter 216, F.S.

Section 26. The salaries of Commissioners of the Florida Parole and Probation Commission shall be increased effective July 1, 1974 from \$24,000 per annum to \$27,600; Reference Chapter 110.051(1)(C), F.S.

Section 27. The moneys appropriated in Section 1, Item 13A, for salary increases—department and division directors may be transferred by the Department of Administration to the appro-

priate state agency for expenditure. These moneys should be allocated using the same guidelines as used by the Legislature in appropriating moneys for wage and salary increases for career service state employees.

Section 28. The moneys appropriated in Section 1, Item 13B, for statewide competitive geographic pay differentials may be transferred by the Department of Administration to the appropriate state agency for expenditure. It is the intent of the Legislature that these moneys be used for the purpose of establishing equitable geographical pay differentials for state employees. The Department of Administration is to determine and implement by class of positions such pay differentials, by county, region or spot location, statewide, as needed to meet local competition.

Section 29. Provided, funds are included in Section 1, Items 165, 284, 639, 842, 856 and 982 for the equalization of the salaries of ranks of law enforcement positions above the beginning level, in accordance with the plan prepared by the Department of Administration.

Section 30. There is hereby appropriated from the General Revenue Fund the sum of twenty-five thousand dollars (\$25,000) per day for each day of any Special Session of the Legislature, to be allocated pursuant to the provisions of Chapter 11, F.S.

Section 31. This Act shall take effect July 1, 1974, except Section 25 which shall take effect June 30, 1974.

Item	Positions \$	Amount \$
TOTAL THIS GENERAL APPROPRIATION ACT.		
	90,495	
From General Revenue Fund	2,523,177,827	
From Trust Funds		1,913,635,983
From Federal Revenue Sharing Fund		75,200,000

Conference Committee Amendment 2—Strike the title and insert: A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1974 and ending June 30, 1975, to pay salaries, other expenses, capital outlay-buildings and improvements, and for other specified purposes of the various agencies of state government; suspending sections 216.262, 216.292, 216.301(2), 27.34(1), and 215.32(2)(C), F.S.; providing an effective date.

On motion by Senator Saunders the Conference Committee Report was adopted as an entirety.

On motion by Senator Saunders SB 1100 passed as recommended and was certified to the House. The vote was:

Yeas—28

Mr. President	Gordon	Lewis	Scarborough
Brantley	Graham	Myers	Smathers
Deeb	Gruber	Peterson	Trask
de la Parte	Henderson	Pettigrew	Vogt
Firestone	Johnson	Plante	Williams
Gallen	Lane (31st)	Poston	Winn
Gillespie	Lane (23rd)	Saunders	Zinkil

Nays—12

Barron	Johnston	Sims	Ware
Childers	McClain	Stolzenburg	Weber
Glisson	Saylor	Sykes	Wilson

By unanimous consent Senator Deeb changed his vote from yea to nay.

Explanation of vote

I voted against SB 1100 for several major reasons. Among those reasons are:

1. SB 1100 provides for no specific relief from intangible tax.
2. SB 1100 approves 4245 new positions on the state payroll. This re-emphasizes the rapid growth of state government, some 28 percent increase in new employees over the last five years.

3. The citizens of the State of Florida are being asked to tighten their belts and cope with inflation. The government should do no less.

For these and other reasons, I felt compelled by those that I represent to vote against this Appropriations Act.

Lori Wilson, 16th District

On motion by Senator Williams, CS for HJR's 2289 and 2984 was withdrawn from the Committee on Education by two-thirds vote and placed on the calendar.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:31 p.m. to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:30 p.m. A quorum present—40:

Mr. President	Gordon	Myers	Stolzenburg
Barron	Graham	Peterson	Sykes
Brantley	Gruber	Pettigrew	Trask
Childers	Henderson	Plante	Vogt
Deeb	Johnson	Poston	Ware
de la Parte	Johnston	Saunders	Weber
Firestone	Lane (31st)	Sayler	Williams
Gallen	Lane (23rd)	Scarborough	Wilson
Gillespie	Lewis	Sims	Winn
Glisson	McClain	Smathers	Zinkil

By permission the following was received:

REPORT OF COMMITTEE

The Committee on Rules and Calendar recommends that the following bills be placed on the Local Calendar:

HB 3983	HB 4189	HB 4198	HB 4214
HB 4086	HB 4190	HB 4199	HB 4217
HB 4094	HB 4193	HB 4200	HB 4224
HB 4152	HB 4194	HB 4201	HB 4225
HB 4186	HB 4195	HB 4210	HB 4226
HB 4187	HB 4196	HB 4211	HB 4227
HB 4188	HB 4197	HB 4213	HB 4149

Respectfully submitted,
Dempsey J. Barron, Chairman

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred CS for SB 959 with 2 House amendments reports that the House amendments have been incorporated and the bill is returned herewith.

JOE BROWN, Secretary

The bill was ordered enrolled.

By unanimous consent Senator Graham changed his vote from yea to nay on the passage of SB 1115 May 30.

Senator Sykes presiding.

EXECUTIVE BUSINESS

By direction of the Presiding Officer, the following report was read:

Senator Mallory E. Horne
President, The Florida Senate
The Capitol

May 31, 1974

Dear Mr. President:

Your Standing Committee on Education to whom were referred for inquiry and recommendation the following appointments subject to confirmation by the Senate:

Members, Board of Trustees Of The Following:

For Term Ending

Okaloosa-Walton Junior College:

Joseph F. McLain
Fort Walton Beach

May 31, 1977

Pasco-Hernando Community College:

Lois R. Linville
Zephyrhills

May 31, 1975

—after full inquiry, hereby tenders as the recommendation of this Committee that the Senate do advise and consent, and approve the aforesaid appointments made by the Governor.

Respectfully submitted,
D. Robert Graham,
Chairman

On motion by Senator Graham, the report of the Committee was adopted, and the Senate in open session approved and confirmed the appointments set forth in the foregoing report. The vote was:

Yeas—27

Mr. President	Graham	Myers	Trask
Barron	Gruber	Peterson	Vogt
Brantley	Henderson	Poston	Ware
Deeb	Johnston	Sayler	Weber
de la Parte	Lane (23rd)	Sims	Wilson
Gillespie	Lewis	Stolzenburg	Winn
Glisson	McClain	Sykes	

Nays—None

SPECIAL ORDER

SB 48—A bill to be entitled An act relating to the intangible personal property tax act; amending §199.052(3) and (5), Florida Statutes, 1972 Supplement, providing two exemptions for husband and wife filing jointly; providing a single exemption for an affiliated group of corporations making a consolidated return; amending §199.072(1), Florida Statutes, adding paragraph (g) thereto; providing an exemption of twenty thousand dollars for each taxpayer except agents and fiduciaries; providing an effective date.

—was read the second time by title.

Senator Sayler moved the following amendment which failed:

Amendment 1—On page 1, line 18, through page 3, line 8, strike in its entirety and insert: Section 1. Subsection (1) of section 199.032, Florida Statutes, is amended to read:

199.032 Levy.—There is hereby levied, to be assessed and collected as provided by this chapter:

(1) An annual tax of ~~one-half~~ ~~one~~ mill on the dollar of the just valuation of all intangible personal property except money as defined in subsection 199.023(1)(a), and except notes, bonds, and other obligations for payment of money which are secured by mortgage, deed of trust, or other lien upon real property situated in the state;

Section 2. Subsection (2) of section 199.052, Florida Statutes, is amended to read:

199.052 Returns.—

(2) Every person subject to the annual tax imposed by this chapter, except agents and fiduciaries, shall not be required to file a return or pay a tax thereunder *unless if the aggregate annual tax upon his intangible personal property subject to tax exceeds seventy-five thousand dollars for any year is less than five dollars.*

On motion by Senator Horne, by two-thirds vote, SB 48 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Gruber	Peterson	Trask
Brantley	Henderson	Poston	Vogt
Childers	Johnston	Saylor	Ware
Deeb	Lane (31st)	Scarborough	Weber
de la Parte	Lane (23rd)	Sims	Williams
Firestone	Lewis	Smathers	Wilson
Gillespie	McClain	Stolzenburg	Winn
Glisson	Myers	Sykes	Zinkil

Nays—None

By unanimous consent Senators Johnson, Pettigrew, Graham and Gallen were recorded as voting yea.

The President presiding

On motion by Senator Poston the Senate reconsidered the vote by which the Conference Committee Report on CS for SB 79 was adopted May 30.

On motion by Senator Poston, the Conference Committee Report on CS for SB 79 was recommitted to the Conference Committee and the conferees were instructed to limit their deliberations to the differences existing between the two houses.

CONSENT CALENDAR

HB 3966—A bill to be entitled An act relating to county courts; amending §34.022 (3) and (16), Florida Statutes; providing two additional county court judgeships; providing an effective date.

—was read the second time by title.

Senator Graham moved the following amendments which were adopted:

Amendment 1—On page 1, line 19, insert: New Section 2 and renumber remaining sections.

Section 2. There is hereby appropriated from the general revenue fund to the judicial branch for salaries and related expenses the sum of \$92,488.

Amendment 2—On page 1, line 7 following the word "judgeships;" insert: providing an appropriation;

On motion by Senator Graham, by two-thirds vote HB 3966 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—30

Mr. President	Henderson	Peterson	Trask
Childers	Johnson	Pettigrew	Vogt
Deeb	Johnston	Poston	Ware
Firestone	Lane (31st)	Saylor	Wilson
Gillespie	Lane (23rd)	Sims	Winn
Glisson	Lewis	Smathers	Zinkil
Graham	McClain	Stolzenburg	
Gruber	Myers	Sykes	

Nays—None

HB 3363—A bill to be entitled An act relating to the Community Hospital Education Act; renumbering subsections (4) through (9) of §381.503, Florida Statutes, 1973, as subsections (5) through (10), respectively, adding a new subsection (4) and amending the new subsection (9); creating a statewide family practice residency program within the department of education and as part of the Community Hospital Education Act; providing that except for fixed capital outlay matching funds by state and local communities shall not apply during the first three (3) years of an authorized program; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote HB 3363 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Graham	Myers	Stolzenburg
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
Deeb	Johnston	Poston	Ware
de la Parte	Lane (31st)	Saunders	Weber
Firestone	Lane (23rd)	Saylor	Wilson
Gillespie	Lewis	Sims	Winn
Glisson	McClain	Smathers	Zinkil

Nays—None

Consideration of SB 599 was deferred.

On motion by Senator de la Parte, unanimous consent was obtained to take up out of order—

HB 314—A bill to be entitled An act relating to the regulation of labor organizations; amending sections 20.16(10) and 20.17, Florida Statutes, providing for the transfer of certain powers, duties, and functions of the division of general regulation of the department of business regulation to the division of labor of the department of commerce; repealing subsection 20.16(11), Florida Statutes, relating to the labor business agents licensing board; providing an effective date.

—which was read the second time by title. On motion by Senator de la Parte, by two-thirds vote HB 314 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Graham	McClain	Stolzenburg
Brantley	Gruber	Myers	Sykes
Childers	Henderson	Peterson	Trask
Deeb	Johnson	Pettigrew	Vogt
de la Parte	Johnston	Poston	Ware
Firestone	Lane (31st)	Scarborough	Wilson
Gillespie	Lane (23rd)	Sims	Zinkil
Glisson	Lewis	Smathers	

Nays—None

HB 2591—A bill to be entitled An act relating to driver education courses; repealing §233.063(4)(b), Florida Statutes, 1971, which provides that, as a condition for receiving moneys appropriated for driver education, schools offering such courses shall require a physical screening examination of each enrollee in such courses; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 2591 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Brantley	Henderson	Peterson	Trask
Childers	Johnson	Pettigrew	Vogt
Deeb	Johnston	Poston	Ware
Firestone	Lane (31st)	Saylor	Weber
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Graham	McClain	Stolzenburg	Zinkil
Gruber	Myers	Sykes	

Nays—None

Consideration of HB 1108 was deferred.

HB 2352—A bill to be entitled An act relating to the Florida psychological practice act; amending §490.16, Florida Statutes, 1971; deleting portions of expenses for members and providing for reimbursement for actual expenses incurred in the performance of the board's official duties and providing for traveling expenses as provided in §112.061, Florida Statutes, 1971; amending §490.18, Florida Statutes, 1971; relating to the examination fee each applicant to practice psychology shall pay; amending §490.20, Florida Statutes, 1971, relating to fees of license certificates; amending §490.25(1), (2)(a), and (3), Florida Stat-

utes, 1971, relating to fees for renewal of licenses to practice psychology and providing for annual renewal of licensure; adding a new subsection (2) to §490.26, Florida Statutes, 1971; providing for a civil penalty to be imposed by the Florida state board of examiners of psychology for violations of board rules and regulations or statutory violations; providing an effective date.

—was read the second time by title. On motion by Senator Smathers, by two-thirds vote HB 2352 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Graham	Myers	Stolzenburg
Brantley	Gruber	Peterson	Sykes
Childers	Henderson	Pettigrew	Trask
Deeb	Johnson	Poston	Vogt
de la Parte	Johnston	Sayler	Ware
Firestone	Lane (31st)	Scarborough	Weber
Gillespie	Lane (23rd)	Sims	Winn
Glisson	McClain	Smathers	Zinkil

Nays—1

Lewis

Consideration of SB 619 was deferred.

HB 3499—A bill to be entitled An act relating to mobile homes; amending section 320.77 (11), Florida Statutes, eliminating the net worth statement as a substitute for a surety bond for mobile home dealers and providing an increased surety bond; amending section 320.822, Florida Statutes, amending the introductory paragraph and definitions (1) and (2) and adding definitions (8), (9), (10), (11), (12), and (13) relating to mobile homes; creating section 320.8225, Florida Statutes, providing licensing of manufacturers with provisions for a fee, surety bond or insurance program; creating section 320.8245, Florida Statutes, limiting warranty coverage if alterations to mobile homes are performed by non-qualified persons; providing designation of qualified persons by department, providing rule making power for department; creating section 320.8255, Florida Statutes, requiring inspection of mobile homes by the department; authorizing department to develop fee schedules for seals and inspection services; providing an appropriation; creating section 320.8285, Florida Statutes, requiring counties to develop and adopt mobile home onsite inspection plans, providing for development of on-site inspection plans when a county does not develop such plans, authorizing department to designate persons to perform onsite inspections when a county does not designate such persons; repealing sections 320.829 and 320.830, Florida Statutes, relating to fees and reciprocal agreements; creating sections 320.840 thru 320.845, Florida Statutes, providing warranty responsibility for mobile home manufacturers, dealers, and suppliers, providing for warranty service, providing manner of presenting warranty claims, providing civil action and providing cumulative remedies; creating section 320.846, Florida Statutes, providing maximum retention of liquidated damages or deposits in absence of express agreement between buyer and seller; providing an effective date.

—was read the second time by title.

The Committee on Consumer Affairs offered the following amendments which were moved by Senator Trask and failed:

Amendment 1—On page 5, line 15, insert: (13) "Approved inspection agency" means an independent agency or testing laboratory approved by the department when such agency is specially qualified by reason of facilities, personnel, experience and demonstrated reliability, to investigate, test and evaluate mobile homes, and is not affiliated with or controlled by any mobile home manufacturer or dealer, except through inspection agreement as provided in section 320.8255, Florida Statutes.

Amendment 2—On page 10, strike all of lines 2 through 23 and insert: (1) In order to insure the highest degree of quality control in the construction of mobile homes, each new mobile home sold in the State of Florida shall be inspected by an approved inspection agency pursuant to procedures developed by the department which shall assure compliance with code pro-

visions. The department may make reasonable rules and regulations pursuant to chapter 120, Florida Statutes, for implementation and enforcement of this inspection.

(2)(a) The department shall monitor the performance of manufacturers and approved inspection agencies to assure that code compliance is maintained. State inspectors may make, at reasonable times, unannounced visits to manufacturing plants and take any other appropriate action to assure code compliance.

(b) The department may remove any inspection agency from approved inspection agency status, if, as demonstrated by department monitoring, mobile home owner or purchaser complaints, or other reliable information, the agency's inspections or inspection procedures to assure code compliance are inadequate or unsatisfactory. After presentation of evidence indicating repeated non-compliance of mobile homes inspected by an approved inspection agency, a burden shall be placed on that agency to demonstrate the adequacy of its inspections and its inspection procedures. All proceedings to remove an inspection agency from approved inspection agency status shall be pursuant to chapter 120, Florida Statutes, with at least ten (10) days prior notice of any hearing to be given by the department to the approved inspection agency and to any manufacturer who had contracted with that agency for inspection services.

(3) A fee schedule guideline for seals for approved inspection agencies, and for licensed dealers in the case of a used mobile home, shall be issued by the department based upon the cost of monitoring and administering the mobile home inspection program. A separate fee schedule guideline shall be issued for the actual cost of performing inspections of mobile homes. Fees for seals and approved inspection agency services shall be reasonable for the services performed.

Section 6. Section 320.827, Florida Statutes, is amended to read:

320.827 Seal and certification.—No person may sell or offer for sale in this state any new mobile home ~~more than six (6) months following the effective date of this act~~ unless it bears a seal and the certification by the approved inspection agency manufacturer, or by the dealer in the case of a used mobile home originally sold out of this state and manufactured after the effective date of this act, that the mobile home to which the seal is attached meets or exceeds the code. In case of a used mobile home, the certification shall show that the mobile home was brought up to or meets the standards of the code.

Section 7. Section 320.828, Florida Statutes, is amended to read:

320.828 Issuance of seals.—Seals may be issued by the department to an approved inspection agency when applied for with an affidavit certifying that such agency the person applying will not attach a seal to any mobile home that does not meet or exceed the code. Any licensed dealer who has acquired a used mobile home without a seal may apply for a seal with an affidavit certifying that the used mobile home was brought up to or otherwise meets the requirements of the code. No person may manufacture in this state any mobile home more than six (6) months following July 11, 1967, unless it bears a seal and certification certifying that the mobile home meets or exceeds the code. The certificate as to each mobile home shall be displayed in a manner to be prescribed by the department.

Amendment 3—On page 11, line 5, strike "tie down"

Amendment 4—On page 1, line 23, strike "by the department; authorizing department to develop fee schedules for seals and inspection services; providing an appropriation;" and insert: by designated independent inspection agencies, providing for monitoring by the department, authorizing department to develop fee schedules for seals and inspection services; amending section 320.827, Florida Statutes, providing certification by independent inspection agency; amending section 320.828, Florida Statutes, providing issuance of seal to independent inspection agency;

Senator Trask moved the following amendments which were adopted:

Amendment 5—On page 12, strike lines 1 and 2 and insert: Section 7. Section 320.829, Florida Statutes, is hereby repealed.

Amendment 6—On page 12, line 3, insert: Section 8. Section 320.830, Florida Statutes, is amended to read:

320.830 Reciprocity.—If any other state has codes for mobile homes at least equal to those established by ~~§§320.821-320.832~~ *this Chapter*, the department, upon determining that such standards are being enforced by ~~the other state~~ *an independent inspection agency*, shall place the other state on a reciprocity list, which list shall be available to any interested person. Any mobile home which bears a seal of any state which has been placed on the reciprocity list may not be required to bear the seal of this state. A mobile home which does not bear the seal herein provided shall not be permitted to be manufactured or offered for sale by a manufacturer or dealer anywhere within the geographical limits of this state unless the mobile home is designated for delivery into another state which has not adopted a code entitling such state to be placed on the reciprocity list.

(renumber subsequent sections)

Amendment 7—On page 2, lines 2 and 3, strike “designate such persons; repealing sections 320.829 and 320.830, Florida Statutes, relating to” and insert: designate such persons; repealing section 320.829; amending section 320.830, Florida Statutes, relating to

On motion by Senator Trask, by two-thirds vote HB 3499 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	Gruber	Peterson	Trask
Brantley	Henderson	Pettigrew	Vogt
Childers	Johnson	Plante	Ware
Deeb	Johnston	Saylor	Weber
de la Parte	Lane (31st)	Scarborough	Williams
Gallen	Lane (23rd)	Sims	Wilson
Gillespie	Lewis	Smathers	Winn
Glisson	McClain	Stolzenburg	Zinkil
Graham	Myers	Sykes	

Nays—None

By unanimous consent Senators Poston and Firestone were recorded as voting yea.

On motion by Senator Williams, HB 2862 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On motion by Senator Saunders, CS for CS for HB's 2837 and 2280 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On motion by Senator Vogt, HB 3120 was withdrawn from the Committee on Governmental Operations by two-thirds vote and placed on the calendar.

CS for HJR 3522—A joint resolution proposing an amendment to Section 9 of Article XII of the State Constitution relating to bonds for transportation facilities.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 9 of Article XII of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1974:

ARTICLE XII SCHEDULE

SECTION 9. Bonds.—

(a) **ADDITIONAL SECURITIES.** Article IX, Section 17, of the Constitution of 1885, as amended, as it existed immediately before this Constitution, as revised in 1968, became effective, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim, except revenue bonds, revenue certificates or other evidences of indebtedness hereafter issued thereunder may be issued by the agency of the state so authorized by law.

Article XII, Section 19, of the Constitution of 1885, as amended, as it existed immediately before this revision becomes effective, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim, except bonds or tax anticipation certificates hereafter issued thereunder may bear interest not in excess of five percent (5%) per annum or such higher interest as may be authorized by statute passed by a three-fifths (3/5) vote of each house of the legislature. No revenue bonds or tax anticipation certificates shall be issued pursuant thereto after June 30, 1975.

(b) **REFUNDING BONDS.** Revenue bonds to finance the cost of state capital projects issued prior to the date this revision becomes effective, including projects of the Florida state turnpike authority or its successor but excluding all portions of the state highway system, may be refunded as provided by law without vote of the electors at a lower net average interest cost rate by the issuance of bonds maturing not later than the obligations refunded, secured by the same revenues only.

(c) MOTOR VEHICLE FUEL TAXES.

(1) A state tax, designated “second gas tax,” of two cents per gallon upon gasoline and other like products of petroleum and an equivalent tax upon other sources of energy used to propel motor vehicles as levied by Article IX, Section 16, of the Constitution of 1885, as amended, is hereby continued *until January 1, 2025 for a period of forty consecutive years*. The proceeds of said tax shall be placed monthly in the state roads distribution fund in the state treasury.

(2) Article IX, Section 16, of the Constitution of 1885, as amended, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim for the purpose of providing that after the effective date of this revision the proceeds of the “second gas tax” as referred to therein shall be allocated among the several counties in accordance with the formula stated therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds, revenue certificates and tax anticipation certificates or any refundings thereof secured by any portion of the “second gas tax.”

(3) No funds anticipated to be allocated under the formula stated in Article IX, Section 16, of the Constitution of 1885, as amended, shall be pledged as security for any obligation hereafter issued or entered into, except that any outstanding obligations previously issued pledging revenues allocated under said Article IX, Section 16, may be refunded at a lower net average interest cost rate by the issuance of refunding bonds, maturing not later than the obligations refunded, secured by the same revenues and any other security authorized in paragraph (5) of this subsection.

(4) Subject to the requirements of paragraph (2) of this subsection and after payment of administrative expenses, the “second gas tax” shall be allocated to the account of each of the several counties in the amounts to be determined as follows: There shall be an initial allocation of one-fourth in the ratio of county area to state area, one-fourth in the ratio of the total county population to the total population of the state in accordance with the latest available federal census, and one-half in the ratio of the total “second gas tax” collected on retail sales or use in each county to the total collected in all counties of the state during the previous fiscal year. If the annual debt service requirements of any obligations issued for any county, including any deficiencies for prior years, secured under paragraph (2) of this subsection, exceeds the amount which would be allocated to that county under the formula set out in this paragraph, the amounts allocated to other counties shall be reduced proportionately.

(5) Funds allocated under paragraphs (2) and (4) of this subsection shall be administered by the state board of administration created under said Article IX, Section 16, of the Constitution of 1885, as amended, and which is continued as a body corporate for the life of this subsection 9(c). The board shall remit the proceeds of the “second gas tax” in each county account for use in said county as follows: eighty per cent to the state agency supervising the state road system and twenty per cent to the governing body of the county. The percentage allocated to the county may be increased by general law. The proceeds of the “second gas tax” subject to allocation to the several counties under this paragraph (5) shall be used first,

for the payment of obligations pledging revenues allocated pursuant to Article IX, Section 16, of the Constitution of 1885, as amended, and any refundings thereof; second, for the payment of debt service on bonds issued as provided by this paragraph (5) to finance the acquisition and construction of roads and other transportation facilities, including terminals, as defined by law; and third, for the acquisition and construction of roads and, to the extent permitted by federal law, other transportation facilities. When authorized by law, state bonds pledging the full faith and credit of the state may be issued without any election: (i) to refund obligations secured by any portion of the "second gas tax" allocated to a county under Article IX, Section 16, of the Constitution of 1885, as amended; (ii) to finance the acquisition and construction of roads and other transportation facilities in a county when approved by the governing body of the county and the state agency supervising the state road system; and (iii) to refund obligations secured by any portion of the "second gas tax" allocated under paragraph 9(c)(4). No such bonds shall be issued unless a state fiscal agency created by law has made a determination that in no state fiscal year will the debt service requirements of the bonds and all other bonds secured by the pledged portion of the "second gas tax" allocated to the county and the other pledged revenues, if any, exceed seventy-five per cent of the pledged portion of the "second gas tax" allocated to that county for the preceding state fiscal year, of the pledged net tolls from existing facilities collected in the preceding state fiscal year, and of the annual average net tolls anticipated during the first five years of operation of new projects to be financed, and the amount of any other legally available pledged revenues that accrued in the preceding state fiscal year. Bonds issued pursuant to this subsection shall be payable primarily from the pledged tolls and portions of the "second gas tax" allocated to that county, together with any other pledged revenues that may be legally available for such purpose.

(d) SCHOOL BONDS.

(1) Article XII, Section 9, subsection (d) of this constitution, as amended, (which, by reference, adopted Article XII, Section 18, of the Constitution of 1885, as amended) as the same existed immediately before the effective date of this amendment is adopted by this reference as part of this amendment as completely as though incorporated herein verbatim, for the purpose of providing that after the effective date of this amendment the first proceeds of the revenues derived from the licensing of motor vehicles as referred to therein shall be distributed annually among the several counties in the ratio of the number of instruction units in each county, the same being coterminous with the school district of each county as provided in Article IX, Section 4, Subsection (a) of this constitution, in each year computed as provided therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds or motor vehicle tax anticipation certificates issued before the effective date of this amendment or any refundings thereof which are secured by any portion of such revenues derived from the licensing of motor vehicles.

(2) No funds anticipated to be distributed annually among the several counties under the formula stated in Article XII, Section 9, Subsection (d) of this constitution, as amended, as the same existed immediately before the effective date of this amendment shall be pledged as security for any obligations hereafter issued or entered into, except that any outstanding obligations previously issued pledging such funds may be refunded at a lower net average interest cost rate by the issuance of refunding bonds maturing not later than the obligations refunded, secured by the same revenues and any other security authorized in paragraph (13) of this subsection (d).

(3) Subject to the requirements of paragraph (1) of this subsection (d) beginning July 1, 1973 and for thirty-five years thereafter, the first proceeds of the revenues derived from the licensing of motor vehicles to the extent necessary to comply with the provisions of this amendment, shall, as collected, be placed monthly in the school district and junior college district capital outlay and debt service fund in the state treasury and used only as provided in this amendment. Such revenue shall be distributed annually among the several school districts and junior college districts in the ratio of the number of instruction units in each school district or junior college district in each year computed as provided herein. The amount of the first revenues derived from the state motor vehicle license taxes to be so set aside in each year and distributed as provided herein shall be an amount equal in the aggregate to the product of six hundred dollars (\$600)

multiplied by the total number of instruction units in all the school districts of Florida for the school fiscal year 1967-68, plus an amount equal in the aggregate to the product of eight hundred dollars (\$800) multiplied by the total number of instruction units in all the school districts of Florida for the school fiscal year 1972-73 and for each school fiscal year thereafter which is in excess of the total number of such instruction units in all the school districts of Florida for the school fiscal year 1967-68, such excess units being designated "growth units." The amount of the first revenues derived from the state motor vehicle license taxes to be so set aside in each year and distributed as provided herein shall additionally be an amount equal in the aggregate to the product of four hundred dollars (\$400) multiplied by the total number of instruction units in all junior college districts of Florida. The number of instruction units in each school district or junior college district in each year for the purposes of this amendment shall be the greater of (1) the number of instruction units in each school district for the school fiscal year 1967-68 or junior college district for the school fiscal year 1968-69 computed in the manner heretofore provided by general law, or (2) the number of instruction units in such school district, including growth units, or junior college district for the school fiscal year computed in the manner heretofore or hereafter provided by general law and approved by the state board of education (hereinafter called the state board), or (3) the number of instruction units in each school district, including growth units, or junior college district on behalf of which the state board has issued bonds or motor vehicle tax anticipation certificates under this amendment which will produce sufficient revenues under this amendment to equal one and twelve-hundredths (1.12) times the aggregate amount of principal of and interest on all bonds or motor vehicle tax anticipation certificates issued under this amendment which will mature and become due in such year, computed in the manner heretofore or hereafter provided by general law and approved by the state board.

(4) Such funds so distributed shall be administered by the state board as now created and constituted by Section 2 of Article IX of the State Constitution as revised in 1968, or by such other instrumentality of the state which shall hereafter succeed by law to the powers, duties and functions of the state board, including the powers, duties and functions of the state board provided in this amendment. For the purposes of this amendment, said state board shall be a body corporate and shall have all the powers provided in this amendment in addition to all other constitutional and statutory powers related to the purposes of this amendment heretofore or hereafter conferred upon said state board.

(5) The state board shall, in addition to its other constitutional and statutory powers, have the management, control and supervision of the proceeds of the first part of the revenues derived from the licensing of motor vehicles provided for in this subsection (d). The state board shall also have power, for the purpose of obtaining funds for the use of any school board of any school district or board of trustees of any junior college district in acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing of capital outlay projects for school purposes to issue bonds or motor vehicle tax anticipation certificates, and also to issue such bonds or motor vehicle tax anticipation certificates to pay, fund or refund any bonds or motor vehicle tax anticipation certificates theretofore issued by said state board. All such bonds or motor vehicle tax anticipation certificates shall bear interest at not exceeding five per centum per annum, or such higher interest rate as may be authorized by statute heretofore or hereafter passed by a three-fifths (3/5) vote of each house of the legislature. All such bonds shall mature serially in annual installments commencing not more than three (3) years from the date of issuance thereof and ending not later than thirty (30) years from the date of issuance, or July 1, 2007, A.D., whichever is earlier. All such motor vehicle tax anticipation certificates shall mature prior to July 1, 2007, A.D. The state board shall have power to determine all other details of said bonds or motor vehicle tax anticipation certificates and to sell at public sale after public advertisement, or exchange said bonds or motor vehicle tax anticipation certificates, upon such terms and conditions as the state board shall provide.

(6) The state board shall also have power to pledge for the payment of the principal of and interest on such bonds or motor vehicle tax anticipation certificates, including re-

funding bonds or refunding motor vehicle tax anticipation certificates, all or any part from the anticipated revenues to be derived from the licensing of motor vehicles provided for in this amendment and to enter into any covenants and other agreements with the holders of such bonds or motor vehicle tax anticipation certificates at the time of the issuance thereof concerning the security thereof and the rights of the holders thereof, all of which covenants and agreements shall constitute legally binding and irrevocable contracts with such holders and shall be fully enforceable by such holders in any court of competent jurisdiction.

(7) No such bonds or motor vehicle tax anticipation certificates shall ever be issued by the state board until after the adoption of a resolution requesting the issuance thereof by the school board of the school district or board of trustees of the junior college district on behalf of which the obligations are to be issued. The state board of education shall limit the amount of such bonds or motor vehicle tax anticipation certificates which can be issued on behalf of any school district or junior college district to ninety percent (90%) of the amount which it determines can be serviced by the revenue accruing to the school district or junior college district under the provisions of this amendment, and such determination shall be conclusive. All such bonds or motor vehicle tax anticipation certificates shall be issued in the name of the state board of education but shall be issued for and on behalf of the school board of the school district or board of trustees of the junior college district requesting the issuance thereof, and no election or approval of qualified electors shall be required for the issuance thereof.

(8) The state board shall in each year use the funds distributable pursuant to this amendment to the credit of each school district or junior college district only in the following manner and in order of priority:

a. To comply with the requirements of paragraph (1) of this subsection (d).

b. To pay all amounts of principal and interest maturing in such year on any bonds or motor vehicle tax anticipation certificates issued under the authority hereof, including refunding bonds or motor vehicle tax anticipation certificates, issued on behalf of the school board of such school district or board of trustees of such junior college district; subject, however, to any covenants or agreements made by the state board concerning the rights between holders of different issues of such bonds or motor vehicle tax anticipation certificates, as herein authorized.

c. To establish and maintain a sinking fund or funds to meet future requirements for debt service or reserves therefor, on bonds or motor vehicle tax anticipation certificates issued on behalf of the school board of such school district or board of trustees of such junior college district under the authority hereof, whenever the state board shall deem it necessary or advisable, and in such amounts and under such terms and conditions as the state board shall in its discretion determine.

d. To distribute annually to the several school boards of the school districts or the boards of trustees of the junior college districts for use in payment of debt service on bonds heretofore or hereafter issued by any such school boards of the school districts or boards of trustees of the junior college districts where the proceeds of the bonds were used, or are to be used, in the acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing of capital outlay projects in such school districts or junior college districts and which capital outlay projects have been approved by the school board of the school district or board of trustees of the junior college district, pursuant to the most recent survey or surveys conducted under regulations prescribed by the state board to determine the capital outlay needs of the school district or junior college district. The state board shall have power at the time of issuance of any bonds by any school board of any school district or board of trustees of any junior college district to covenant and agree with such school board or board of trustees as to the rank and priority of payments to be made for different issues of bonds under this subparagraph d., and may further agree that any amounts to be distributed under this subparagraph d. may be pledged for the debt service on bonds issued by any school board of any school district or board of

trustees of any junior college district and for the rank and priority of such pledge. Any such covenants or agreements of the state board may be enforced by any holders of such bonds in any court of competent jurisdiction.

e. To distribute annually to the several school boards of the school districts or boards of trustees of the junior college districts for the payment of the cost of acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing of capital outlay projects for school purposes in such school district or junior college district as shall be requested by resolution of the school board of the school district or board of trustees of the junior college district.

f. When all major capital outlay needs of a school district or junior college district have been met as determined by the state board, on the basis of a survey made pursuant to regulations of the state board and approved by the state board, all such funds remaining shall be distributed annually and used for such school purposes in such school district or junior college district as the school board of the school district or board of trustees of the junior college district shall determine, or as may be provided by general law.

(9) Capital outlay projects of a school district or junior college district shall be eligible to participate in the funds accruing under this amendment and derived from the proceeds of bonds and motor vehicle tax anticipation certificates and from the motor vehicle license taxes, only in the order of priority of needs, as shown by a survey or surveys conducted in the school district or junior college district under regulations prescribed by the state board, to determine the capital outlay needs of the school district or junior college district and approved by the state board; provided that the priority of such projects may be changed from time to time upon the request of the school board of the school district or board of trustees of the junior college district and with the approval of the state board; and provided further, that this paragraph (9) shall not in any manner affect any covenant, agreement or pledge made by the state board in the issuance by said state board of any bonds or motor vehicle tax anticipation certificates, or in connection with the issuance of any bonds of any school board of any school district, or board of trustees of any junior college district.

(10) The state board may invest any sinking fund or funds created pursuant to this amendment in direct obligations of the United States of America or in the bonds or motor vehicle tax anticipation certificates, issued by the state board on behalf of the school board of any school district or board of trustees of any junior college district.

(11) The state board shall have power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted and no legislation shall be required to render this amendment of full force and operating effect. The legislature shall not reduce the levies of said motor vehicle license taxes during the life of this amendment to any degree which will fail to provide the full amount necessary to comply with the provisions of this amendment and pay the necessary expenses of administering the laws relating to the licensing of motor vehicles, and shall not enact any law having the effect of withdrawing the proceeds of such motor vehicle license taxes from the operation of this amendment and shall not enact any law impairing or materially altering the rights of the holders of any bonds or motor vehicle tax anticipation certificates issued pursuant to this amendment or impairing or altering any covenant or agreement of the state board, as provided in such bonds or motor vehicle tax anticipation certificates.

(12) The state board shall have power to appoint such persons and fix their compensation for the administration of the provisions of this amendment as it shall deem necessary, and the expenses of the state board in administering the provisions of this amendment shall be prorated among the various school districts and junior college districts and paid out of the proceeds of the bonds or motor vehicle tax anticipation certificates or from the funds distributable to each school district or junior college district on the same basis as such motor vehicle license taxes are distributable to the various school districts or junior college districts under the provisions of this amendment. Interest or profit on sinking fund investments shall accrue to the school districts or junior college districts in proportion to their respective equities in the sinking fund or funds.

(13) Bonds issued by the school board pursuant to this subsection (d) shall be payable primarily from said motor vehicle license taxes as provided herein, and if heretofore or hereafter authorized by law, may be additionally secured by pledging the full faith and credit of the state without an election. When heretofore or hereafter authorized by law, bonds issued pursuant to Article XII, Section 18 of the Constitution of 1885, as amended prior to 1968, and bonds issued pursuant to Article XII, Section 9, subsection (d) of the Constitution as revised in 1968, and bonds issued pursuant to this subsection (d), may be refunded by the issuance of bonds additionally secured by the full faith and credit of the state only at a lower net average interest cost rate.

(e) **DEBT LIMITATION.** Bonds issued pursuant to this Section 9 of Article XII which are payable primarily from revenues pledged pursuant to this section shall not be included in applying the limits upon the amount of state bonds contained in Section 11, Article VII, of this revision.

(f) If, at the general election at which this amendment is adopted, there is also adopted an amendment to this section wherein the proposed language of subsection (a) differs from that contained herein, then such other language as to subsection (a) shall prevail over the language of subsection (a) as contained herein.

(g) If, at the general election at which this amendment is adopted, there is also adopted an amendment to this section wherein the proposed language of subsection (d) differs from that contained herein, then such other language shall prevail over the language of subsection (d) as contained herein.

BE IT FURTHER RESOLVED:

If, at the general election at which this amendment is adopted, there is also adopted an amendment to this section wherein the proposed language of subsection (a) differs from that contained herein, then such other language as to subsection (a) shall prevail over the language of subsection (a) as contained herein.

If, at the general election at which this amendment is adopted, there is also adopted an amendment to this section wherein the proposed language of subsection (c) differs from that contained herein, then the language of subsection (c) as contained herein shall prevail over such other language.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the substance of the amendment proposed herein shall appear on the ballot as follows:

An amendment to Section 9 of Article XII of the State Constitution to:

1. Extend the life of the "second gas tax" to January 1, 2025.

2. Extend the purposes for which bonds may be issued and revenues may be used to all transportation facilities.

3. Permit the bonds to be secured by tolls, portions of the "second gas tax", and any other legally available revenues.

—was read the second time. On motion by Senator Smathers, by two-thirds vote CS for HJR 3522 was read the third time in full and passed with the required constitutional three-fifths vote of the membership and was certified to the House. The vote was:

Yeas—34

Mr. President	Henderson	Pettigrew	Trask
Brantley	Johnson	Plante	Vogt
Childers	Johnston	Poston	Ware
Deeb	Lane (31st)	Saylor	Weber
Firestone	Lane (23rd)	Scarborough	Wilson
Gallen	Lewis	Sims	Winn
Gillespie	McClain	Smathers	Zinkil
Graham	Myers	Stolzenburg	
Gruber	Peterson	Sykes	

Nays—1

Glisson

SJR 819 was laid on the table.

Consideration of HB 3323 and SB 231 was deferred.

On motion by Senator Glisson, HB 1685 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

SB 839 was taken up and on motion by Senator Glisson—

HB 1685—A bill to be entitled An act relating to the Florida optometry law by amending §463.06, Florida Statutes to increase the salary of the secretary of the board; increasing the amount of bond required; and providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Glisson, by two-thirds vote HB 1685 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Gruber	Pettigrew	Vogt
Brantley	Henderson	Plante	Ware
Childers	Johnson	Poston	Williams
Deeb	Lane (31st)	Saylor	Wilson
de la Parte	Lane (23rd)	Sims	Winn
Firestone	Lewis	Smathers	Zinkil
Gallen	McClain	Stolzenburg	
Gillespie	Myers	Sykes	
Glisson	Peterson	Trask	

Nays—None

By unanimous consent Senator Graham was recorded as voting yea.

CS for CS for HB 3740—A bill to be entitled An act relating to law enforcement; creating the department of criminal justice; providing that the head of the department shall be the governor and cabinet; providing for the appointment of the executive director of the department; providing for qualifications and duties of the executive director; providing the powers of the department; providing for rules and regulations; providing that the attorney general shall be the legal advisor to and represent the department; providing for annual reports; providing for the establishment of divisions within the department; providing for the power to establish bureaus within any division in addition to those created in this act; providing for location and housing of the department; creating the division of law enforcement; providing for duties of the director of the division; establishing bureaus within the division; providing that investigators shall be peace officers; providing for powers of the division; providing for privileges and benefits of investigators; providing for the security of the governor; creating the division of criminal justice information systems; providing for a division director; providing for a system of fingerprint analysis and identification; providing for a system of intrastate communication of statistics and information relating to criminal activity; providing for a system of uniform crime reports and statistical analysis; establishing bureaus within the division; creating a criminal justice information systems council; providing for the composition of the council; providing for terms of appointment; providing for the election of a chairman and for meetings; providing that membership on the council shall not disqualify a member from holding public office or employment; providing for per diem and traveling expenses; providing definitions; providing for duties of the council; creating the division of standards and training; providing for a director; establishing bureaus within the division; providing definitions; establishing the police standards and training commission; providing for the composition of the commission; providing for terms of appointment; providing that membership on the commission shall not disqualify a member from holding public office or employment; providing for geographical consideration in appointments; providing for meetings; providing for per diem and traveling expenses; providing for special powers of the commission; providing for qualifications of employment of police officers; providing for police training programs; providing for certificates and diplomas; providing exemptions; providing for injunction proceedings; providing for reimbursement of employing agency by commission; providing for payment of tuition by employing agency; providing for in-service training and promotion; providing for salary scale study and reports; providing for a saving clause; providing for qualifications and standards above the minimum; providing an exception; provid-

ing for the salary incentive program; providing for definitions; providing schedules of payments for qualifying law enforcement officers; providing for rules and regulations; providing for reports; providing for notice of employment status; providing for legislative intent; providing for advanced training; providing that expenses shall be borne by the state; providing for assessment of additional court costs in criminal proceedings; providing for disposition; providing for audits by the auditor general; providing for additional assessment by local government; providing that the funds which have accumulated to the Florida police academy fund shall be made available to the department for training and facilities; providing authorization for the department of administration to disburse funds; providing for trust fund block matching by state; providing for disbursement of trust fund for matching; providing for contracts with educational institutions; provided that training shall be without cost; creating the division of local law enforcement assistance; providing for employment of a director; providing for development of policies for cooperation with local law enforcement units; providing for assistance to law enforcement agencies; providing for the exercise of duties prescribed under Part VII of chapter 23, Florida Statutes, known as the Florida mutual aid act; creating a local law enforcement advisory council; providing for the composition of the council; providing for terms of appointment; providing for election of a chairman and for meetings; providing that membership on the council shall not disqualify a member from holding public office or employment; providing for per diem and traveling expenses; providing for powers and duties of the council; amending sections 23.122(7), 23.123, Florida Statutes, 1973, which define state law enforcement coordinator and relate to state mutual aid council; creating the division of staff services; providing for employment of a director; providing for duties; establishing bureaus within the division; repealing Part IV, Part V and Part VI of chapter 23, Florida Statutes, 1973, relating to police standards board, the Florida law enforcement act of 1967, and the Florida police academy; providing an effective date.

—was read the second time by title.

Senator de la Parte moved the following amendment which was adopted:

Amendment 1—On page 5, strike all of lines 7—21 and insert: appointed by the governor with the approval of three (3) members of the cabinet and subject to confirmation by the senate. The executive director shall serve at the pleasure of the governor and cabinet.

(2) The executive director shall have served at least five (5) years as a police executive or shall possess training and experience in police affairs or public administration and shall be a bona fide resident of the State of Florida. It shall be the duty of the executive director to supervise, direct, coordinate and administer all activities of the department.

(3) The department shall employ such administrative, clerical, technical, and professional personnel, including division directors as hereinafter provided, as may be required, at salaries to be established by the department, to perform such duties as the department may prescribe.

Senator Pettigrew moved the following amendments which were adopted:

Amendment 2—On page 4, lines 27 and 30, and on page 5, lines 2, 3, 4 and 5; and on page 7, line 2; and on page 11, line 10; and on page 14, line 26; and on page 15, line 24; and on page 29 lines 24, 28 and 29; and on page 30, lines 5, 17, 18, and 30; and on page 31, lines 31 and 32; and on page 32, line 16 strike the words "criminal justice" and insert: criminal law enforcement

Amendment 3—On page 1, line 5, strike "criminal justice" and insert: criminal law enforcement

On motion by Senator Myers, by two-thirds vote CS for CS for HB 3740 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	Childers	de la Parte	Gallen
Brantley	Deeb	Firestone	Gillespie

Glisson	Lane (23rd)	Poston	Trask
Graham	Lewis	Sayler	Vogt
Gruber	McClain	Scarborough	Weber
Henderson	Myers	Sims	Williams
Johnson	Peterson	Smathers	Winn
Johnston	Pettigrew	Stolzenburg	Zinkil
Lane (31st)	Plante	Sykes	

Nays—None

CS for HB 2730—A bill to be entitled An act relating to local government repealing chapter 171, Florida Statutes, 1973; creating a new chapter 171; providing a short title; providing legislative purpose; providing for effect on special laws; providing definitions; providing annexation procedures; providing prerequisites to annexation; providing character of the area to be annexed; providing separate procedures for voluntary annexation; providing contraction procedures; providing criteria for contraction; providing for the apportionment of debts and taxes in annexations or contractions; providing for effects of annexations or contractions; providing for effect of the act in Dade County; providing for appeal on annexation or contraction; providing for recording of annexations or contractions; providing for an effective date.

—was read the second time by title. On motion by Senator Wilson, by two-thirds vote CS for HB 2730 was read the third time by title, passed and certified to the House. The vote was:

Yeas—27

Mr. President	Graham	Peterson	Sykes
Brantley	Gruber	Pettigrew	Vogt
de la Parte	Henderson	Plante	Williams
Firestone	Johnson	Poston	Wilson
Gallen	Lane (31st)	Sayler	Winn
Gillespie	McClain	Scarborough	Zinkil
Glisson	Myers	Stolzenburg	

Nays—7

Childers	Lane (23rd)	Sims	Trask
Johnston	Lewis	Smathers	

By unanimous consent Senator Glisson changed his vote from yea to nay; Senator Smathers changed his vote from nay to yea.

SB 619 was laid on the table.

Consideration of CS for HB 3378 was deferred.

HB 3242—A bill to be entitled An act relating to elections; amending §103.111, Florida Statutes, to provide clarification of the operation of state and county executive committees of political parties; providing the manner for electing delegates to the 1974 Conference on Democratic Organization and Policy; providing for the qualification and election of certain candidates; providing for expense limits; providing an effective date.

—was read the second time by title. On motion by Senator de la Parte by two-thirds vote HB 3242 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Gruber	Pettigrew	Trask
Brantley	Henderson	Plante	Vogt
Childers	Johnson	Poston	Ware
Deeb	Johnston	Sayler	Williams
de la Parte	Lane (23rd)	Scarborough	Wilson
Gallen	Lewis	Sims	Winn
Gillespie	McClain	Smathers	Zinkil
Glisson	Myers	Stolzenburg	
Graham	Peterson	Sykes	

Nays—None

CS for HB 3649—A bill to be entitled An act relating to energy conservation and state building construction; directing the department of general services to promulgate rules for conducting life-cycle cost analyses of alternative architectural and engineering designs on all state buildings; rules for pro-

mulgating energy performance indices; providing an appropriation; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote CS for HB 3649 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	Graham	Myers	Sykes
Childers	Gruber	Peterson	Trask
Deeb	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Plante	Ware
Firestone	Johnston	Poston	Weber
Gallen	Lane (31st)	Saylor	Williams
Gillespie	Lane (23rd)	Sims	Winn
Glisson	Lewis	Smathers	Zinkil
Gordon	McClain	Stolzenburg	

Nays—None

SB 733 was laid on the table.

CS for HB 3630—A bill to be entitled An act relating to energy information, establishing an energy data center to collect information on the reserves, production, supply, and distribution of energy resources within "the state" in order to allow "the state" to more effectively deal with and anticipate energy problems, establishing a director of the center, requiring periodic reports, defining the types of information needed; requiring reports from persons involved in the production, supply, and distribution of energy in "the state", requiring validation of information collected, requiring use of existing information; providing for protection of proprietary information; providing an appropriation; providing a penalty; providing an effective date; providing an expiration date.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote CS for HB 3630 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	Gordon	Myers	Sykes
Brantley	Graham	Peterson	Trask
Childers	Gruber	Plante	Vogt
Deeb	Henderson	Poston	Ware
de la Parte	Johnson	Saunders	Weber
Firestone	Johnston	Saylor	Williams
Gallen	Lane (23rd)	Sims	Winn
Gillespie	Lewis	Smathers	Zinkil
Glisson	McClain	Stolzenburg	

Nays—None

SB 711 was laid on the table.

HCR 3580—A concurrent resolution honoring Gloria Jahoda of Tallahassee, author of "River of the Golden Ibis," "The Other Florida," and other works of literature depicting the history and culture of the State of Florida.

—was read the second time in full. On motion by Senator Firestone HCR 3580 was adopted and certified to the House. The vote was:

Yeas—36

Mr. President	Gordon	Myers	Sykes
Brantley	Graham	Peterson	Trask
Childers	Gruber	Plante	Vogt
Deeb	Henderson	Poston	Ware
de la Parte	Johnson	Saunders	Weber
Firestone	Johnston	Saylor	Williams
Gallen	Lane (23rd)	Sims	Winn
Gillespie	Lewis	Smathers	Zinkil
Glisson	McClain	Stolzenburg	

Nays—None

HB 4221—A bill to be entitled An act relating to petroleum allocation; providing powers and duties to the department of

administration to perform allocation functions delegated by the federal government; providing for reports of petroleum use; providing for confidentiality of data; providing penalties; providing an effective and termination date.

—was read the second time by title.

Senator Plante moved the following amendment which was adopted:

Amendment 1—On page 2, line 19, strike everything after the period on line 19 through line 24

On motion by Senator de la Parte, by two-thirds vote HB 4221 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	Graham	Peterson	Trask
Brantley	Gruber	Plante	Vogt
Childers	Henderson	Poston	Ware
Deeb	Johnson	Saylor	Weber
de la Parte	Johnston	Scarborough	Williams
Firestone	Lane (23rd)	Sims	Wilson
Gallen	Lewis	Smathers	Winn
Gillespie	McClain	Stolzenburg	Zinkil
Glisson	Myers	Sykes	

Nays—None

By unanimous consent Senator Pettigrew was recorded as voting yea.

Consideration of HB 3631 was deferred.

HB 3628—A bill to be entitled An act relating to the Florida energy committee; amending Section 2(2), (4)(b), (5) and Section 5 of Chapter 73-130, Laws of Florida; providing for a one year extension in tenure and a study of growth and energy demand; providing an effective date.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote HB 3628 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Gordon	McClain	Trask
Brantley	Graham	Myers	Vogt
Childers	Gruber	Peterson	Ware
Deeb	Henderson	Plante	Weber
de la Parte	Johnson	Saylor	Wilson
Firestone	Johnston	Scarborough	Winn
Gallen	Lane (31st)	Sims	Zinkil
Gillespie	Lane (23rd)	Smathers	
Glisson	Lewis	Stolzenburg	

Nays—None

By unanimous consent Senator Pettigrew was recorded as voting yea.

Consideration of House Bills 3638 and 3654 and SB 225 was deferred.

HB 629—A bill to be entitled An act relating to motor vehicle inspections; amending §325.24(1), Florida Statutes, 1971, relating to fees to be charged by safety equipment inspection stations and self-inspectors; requiring crediting of delinquent fees collected by all inspection stations against the forty cents (40¢) remittance requirement; providing an effective date.

On motion by Senator Poston, by two-thirds vote HB 629 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Childers	de la Parte	Gallen
Brantley	Deeb	Firestone	Gillespie

Glisson	Lane (23rd)	Scarborough	Weber
Gordon	Lewis	Sims	Williams
Graham	McClain	Stolzenburg	Wilson
Gruber	Myers	Sykes	Winn
Henderson	Peterson	Trask	Zinkil
Johnson	Plante	Vogt	
Johnston	Poston	Ware	

Nays—None

By unanimous consent Senator Pettigrew was recorded as voting yea.

HB 3962—A bill to be entitled An act relating to appropriations; providing for an appropriation of funds to each and every publicly owned transit system as a reimbursement for the overpayment of bus license tag taxes payed during FY 1971-72 in accordance with ruling of the Florida Supreme Court; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote HB 3962 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Gordon	Myers	Trask
Brantley	Graham	Peterson	Vogt
Childers	Gruber	Plante	Ware
Deeb	Henderson	Poston	Williams
de la Parte	Johnson	Saylor	Winn
Firestone	Johnston	Sims	Zinkil
Gallen	Lane (23rd)	Smathers	
Gillespie	Lewis	Stolzenburg	
Glisson	McClain	Sykes	

Nays—None

By unanimous consent Senator Pettigrew was recorded as voting yea.

Consideration of HB 3975 was deferred.

CS for HB 3441—A bill to be entitled An act relating to county officials; amending subsection (1) of section 145.121, and subsection (2) of section 201.11, Florida Statutes; prescribing funds to be included as income of the office; providing for the county comptroller and the clerk of the circuit court to serve ex officio as agents for the collection of the excise tax on documents; repealing section 28.25, Florida Statutes, which provides for special services compensation to the clerk of the circuit court; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote, CS for HB 3441 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	Gordon	Myers	Sykes
Brantley	Graham	Peterson	Trask
Childers	Gruber	Plante	Vogt
Deeb	Henderson	Poston	Ware
de la Parte	Johnson	Saylor	Weber
Firestone	Johnston	Scarborough	Williams
Gallen	Lane (23rd)	Sims	Winn
Gillespie	Lewis	Smathers	Zinkil
Glisson	McClain	Stolzenburg	

Nays—None

By unanimous consent Senator Pettigrew was recorded as voting yea.

Consideration of House Bills 2496, 2739 and 100 (cs) was deferred.

HB 2889—A bill to be entitled An act relating to the real estate license law; amending subsection 475.17(1), Florida Statutes, 1971, so as to adjust the age requirement and eliminate the specific requirement that an applicant for registra-

tion as an active broker show citizenship and bona fide residence in the State of Florida for one year; providing an effective date.

—was read the second time by title.

Senator Sims moved the following amendment which failed:

Amendment 1—On page 2, following line 21, insert: Section 2. Section 475.17, Florida Statutes, 1973, is amended by adding a new subsection (5) to read:

(5) The provisions of this chapter shall not be construed to prohibit the owner, operator or manager of a mobile home park from offering to lease or leasing mobile home spaces or lots to the public in a bona fide mobile home park.

Renumber subsequent sections of the bill.

Senator Deeb moved the following amendment which failed:

Amendment 2—On page 2, between lines 23 and 24 insert: Section 2. Subsection (2) of section 475.01, Florida Statutes, is amended to read:

475.01 Definition of terms used in chapter.—

(2) Every person who shall, in this state, for another, and for a compensation or valuable consideration directly or indirectly paid or promised, expressly or impliedly, or with an intent to collect or receive a compensation or valuable consideration therefor, appraise, auction, sell, exchange, buy or rent, or offer, attempt or agree to appraise, auction or negotiate the sale, exchange, purchase or rental of any real property, or any interest in or concerning the same, including mineral rights or leases; or who shall advertise or hold out to the public by any oral or printed solicitation or representation that such person is engaged in the business of appraising, auctioning, buying, selling, exchanging, leasing or renting real estate, or interests therein, including mineral rights or leases, of others; and every person who shall take any part in the procuring of sellers, purchasers, lessors or lessees of the real property, or interests therein, including mineral rights or leases, of another; or who shall direct or assist in the procuring of prospects, or the negotiation or closing of any transaction which does, or is calculated to, result in a sale, exchange, or leasing thereof, and who shall receive, expect, or be promised any compensation or valuable consideration, directly or indirectly therefor; and all persons who are members of partnerships or officers or directors of corporations engaged in performing any of the aforesaid acts or services; each and every such person shall be deemed and held to be a "real estate broker" or a "real estate salesman," as hereinafter classified, unless said person when performing the act or acts herein specified shall be acting as an attorney-in-fact for the purpose of the execution of contracts or conveyances only, or as an attorney-at-law within the scope of his duties as such, or when acting as the administrator, executor, receiver, trustee, or master under or by virtue of an appointment by will or by order of a court of competent jurisdiction, or as trustee under a deed of trust, or under a trust agreement, the ultimate purpose and intent whereof shall be charitable, philanthropic, or providing for those having a natural right to the bounty of the donor or trustor; nor shall the term broker or salesman be applied to a person who shall deal with property in which he is a part owner, unless said person shall receive a larger share of the proceeds or profits from the transaction than his proportional investment therein would otherwise justify, such excess share being directly or indirectly the result of the service of buying, selling, exchanging or leasing said property; nor shall said terms be applied to any full time salaried employees of an owner of real property engaged in a transaction relating to the real property owned or leased by their employer, which employees are not additionally compensated on any basis depending upon the results of such transactions. The term "full time salaried employees" as used in the preceding clause shall mean persons not employed by another employer while employed by such owner. The term "transaction relating to the real property owned or leased by their employer" as used in the preceding clause shall not include a transaction performed as a vocation by the employee or employer nor a transaction that is encompassed by Chapter 478, one officer of every corporation engaged in the sale of its own properties who shall be its president unless otherwise provided in its charter or by laws, if said corporation shall not otherwise be classed as a real estate broker or a salesman.

(Renumber subsequent section.)

On motion by Senator Lewis, by two-thirds vote, HB 2889 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Gordon	McClain	Sykes
Barron	Graham	Myers	Trask
Brantley	Gruber	Peterson	Vogt
Childers	Henderson	Plante	Ware
Deeb	Johnson	Poston	Weber
de la Parte	Johnston	Sayler	Williams
Firestone	Lane (31st)	Scarborough	Wilson
Gillespie	Lane (23rd)	Smathers	Winn
Glisson	Lewis	Stolzenburg	Zinkil

Nays—None

By unanimous consent Senator Gallen was recorded as voting yea.

SB 453 was laid on the table.

HB 3324—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; providing an appropriation for the implementation of Section 393.11 and section 393.12, Florida Statutes, relating to hearing and order for involuntary admission to residential services provided by the division of retardation and proceedings to determine competency; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 3324 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Mr. President	Graham	Peterson	Vogt
Barron	Gruber	Plante	Ware
Brantley	Henderson	Poston	Weber
Childers	Johnson	Sayler	Williams
Deeb	Johnston	Scarborough	Wilson
de la Parte	Lane (31st)	Sims	Winn
Firestone	Lane (23rd)	Smathers	Zinkil
Gallen	Lewis	Stolzenburg	
Gillespie	McClain	Sykes	
Glisson	Myers	Trask	

Nays—None

By unanimous consent Senator Pettigrew was recorded as voting yea.

SB 643 was taken up, together with:

By the Committee on Health and Rehabilitative Services—

CS for SB 643—A bill to be entitled An act relating to juveniles; amending subsection (11) of section 39.01, Florida Statutes, to define the term "child in need of supervision"; amending subsection (4) of section 39.02, Florida Statutes, relating to the jurisdiction of courts over delinquent children and children in need of supervision; renumbering subsection (6) of section 39.02, Florida Statutes, as subsection (7) and creating a new subsection (6); amending paragraph (c) of subsection (3) of section 39.03, Florida Statutes, relating to taking a child into custody, detention; amending paragraph (b) of subsection (1) of section 39.11, Florida Statutes, relating to powers with reference to a delinquent child, dependent child or a child in need of supervision; creating paragraph (1)(c) of section 39.11, Florida Statutes, relating to court jurisdiction of juveniles; amending paragraph (c) of subsection (2) of section 39.11, Florida Statutes, relating to terms of juvenile commitments; amending paragraphs (a) and (c) of subsection (3) of section 39.11, Florida Statutes, relating to terms of juvenile commitments; amending subsection (5) of section 39.11, Florida Statutes, relating to commitments and discharges from the division of youth services; renumbering subsection (8) of section 39.11, Florida Statutes, as subsection (9) and creating a new subsection (8); amending subsections (2) and (4) of section 39.12, Florida Statutes, relating to oaths, records, and privileged information; providing an effective date.

—which was read the first time by title and SB 643 was laid on the table.

On motion by Senator Myers, by two-thirds vote CS for SB 643 was read the second time by title.

Senator Myers moved the following amendments which were adopted:

Amendment 1—

On page 3,	lines 6-16,	strike all of section 3.
8	17-29	
4	& 1-15	strike all of section 4.
4	16-25	
7	27-29	strike all of section 5.
8	& 1-11	strike all of section 10.
8	12-29	
9	& 1-21	strike all of section 11.

Amendment 2—On page 6, strike all of lines 28 and 29 and on page 7 strike all of lines 1-3.

Amendment 3—On page 1 in title, strike all of lines 10-18 up to the semi-colon.

Amendment 4—On page 1 in title strike all of line 29 and on page 2 strike all of lines 1-5 up to the semi-colon.

Senator Wilson moved the following amendment which was adopted:

Amendment 5—On page 2, line 13, strike "seventeen" and insert: eighteen

On motion by Senator Myers, by two-thirds vote CS for SB 643 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—35

Mr. President	Gruber	Peterson	Sykes
Brantley	Henderson	Pettigrew	Trask
Childers	Johnson	Plante	Vogt
Deeb	Johnston	Poston	Ware
de la Parte	Lane (31st)	Saunders	Williams
Firestone	Lane (23rd)	Scarborough	Wilson
Gallen	Lewis	Sims	Winn
Gillespie	McClain	Smathers	Zinkil
Graham	Myers	Stolzenburg	

Nays—1

Glisson

SJR 965 was taken up and on motion by Senator Graham—

CS for HJR's 2289 and 2984—A joint resolution proposing an amendment to Section 9 of Article XII of the State Constitution, providing that the revenue derived from the gross receipts taxes levied in chapter 203, Florida Statutes, shall be used for capital outlay projects for the state system of public education; and to correct inadvertent errors in subsection (d) thereof.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 9 of Article XII of the State Constitution is agreed to and shall be submitted to the electors of the state for approval or rejection at the next general election to be held in November 1974.

ARTICLE XII

SCHEDULE

Section 9. Bonds.—

(Substantial rewording of subsection (a). See §9(a) of Article XII, State Constitution for present text.)

(a) ADDITIONAL SECURITIES.

(1) Article IX, Section 17, of the Constitution of 1885, as amended, as it existed immediately before this Constitution, as revised in 1968, became effective, is adopted by this reference as a part of this revision as completely as though incor-

porated herein verbatim, except revenue bonds, revenue certificates or other evidences of indebtedness hereafter issued thereunder may be issued by the agency of the state so authorized by law.

(2) That portion of Article XII, Section 9, Subsection (a) of this Constitution, as amended, which by reference adopted Article XII, Section 19 of the Constitution of 1885, as amended, as the same existed immediately before the effective date of this amendment is adopted by this reference as part of this revision as completely as though incorporated herein verbatim, for the purpose of providing that after the effective date of this amendment all of the proceeds of the revenues derived from the gross receipts taxes, as therein defined, collected in each year shall be applied as provided therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds or certificates issued before the effective date of this amendment or any refundings thereof which are secured by such gross receipts taxes. No bonds or other obligations may be issued pursuant to the provisions of Article XII, Section 19, of the Constitution of 1885, as amended, but this provision shall not be construed to prevent the refunding of any such outstanding bonds or obligations pursuant to the provisions of this subsection (a)(2).

Subject to the requirements of the first paragraph of this subsection (a)(2), beginning July 1, 1975, and for fifty years thereafter, all of the proceeds of the revenues derived from the gross receipts taxes collected from every person, including municipalities, as provided and levied as of the time of adoption of this subsection (a)(2) in chapter 203, Florida Statutes, (hereinafter called "gross receipts taxes"), shall, as collected, be placed in a trust fund to be known as the "public education capital outlay and debt service trust fund" in the state treasury (hereinafter referred to as "capital outlay fund"), and used only as provided herein.

The capital outlay fund shall be administered by the state board of education as created and constituted by Section 2 of Article IX of the Constitution of Florida as revised in 1968 (hereinafter referred to as "state board"), or by such other instrumentality of the state which shall hereafter succeed by law to the powers, duties, and functions of the state board, including the powers, duties and functions of the state board provided in this subsection (a)(2). The state board shall be a body corporate and shall have all the powers provided herein in addition to all other constitutional and statutory powers related to the purposes of this subsection (a)(2) heretofore or hereafter conferred by law upon the state board, or its predecessor created by the Constitution of 1885, as amended.

State bonds pledging the full faith and credit of the state may be issued, without a vote of the electors, by the state board pursuant to law to finance or refinance capital projects theretofore authorized by the legislature, and any purposes appurtenant or incidental thereto, for the state system of public education provided for in Section 1 of Article IX of this Constitution (hereinafter referred to as "state system"), including but not limited to institutions of higher learning, junior colleges, vocational technical schools, or public schools, as now defined or as may hereafter be defined by law. All such bonds shall mature not later than July 1, 2025. All other details of such bonds shall be as provided by law or by the proceedings authorizing such bonds; provided, however, that no bonds, except refunding bonds, shall be issued, and no proceeds shall be expended for the cost of any capital project, unless such project has been authorized by the legislature.

Bonds issued pursuant to this subsection (a)(2) shall be primarily payable from such revenues derived from gross receipts taxes, and shall be additionally secured by the full faith and credit of the state. No such bonds shall ever be issued in an amount exceeding ninety percent of the amount which the state board determines can be serviced by the revenues derived from the gross receipts taxes accruing thereafter under the provisions of this subsection (a)(2), and such determination shall be conclusive.

The moneys in the capital outlay fund in each fiscal year shall be used only for the following purposes and in the following order of priority:

- (1) For the payment of the principal of and interest on any bonds maturing in such fiscal year;
- (2) For the deposit into any reserve funds provided for in the proceedings authorizing the issuance of bonds of any

amounts required to be deposited in such reserve funds in such fiscal year;

(3) For direct payment of the cost or any part of the cost of any capital project for the state system theretofore authorized by the legislature, or for the purchase or redemption of outstanding bonds in accordance with the provisions of the proceedings which authorized the issuance of such bonds.

(b) REFUNDING BONDS. Revenue bonds to finance the cost of state capital projects issued prior to the date this revision becomes effective, including projects of the Florida state turnpike authority or its successor but excluding all portions of the state highway system, may be refunded as provided by law without vote of the electors at a lower net average interest cost rate by the issuance of bonds maturing not later than the obligations refunded, secured by the same revenues only.

(c) MOTOR VEHICLE FUEL TAXES.

(1) A state tax, designated "second gas tax," of two cents per gallon upon gasoline and other like products of petroleum and an equivalent tax upon other sources of energy used to propel motor vehicles as levied by Article IX, Section 16, of the Constitution of 1885, as amended, is hereby continued for a period of forty consecutive years. The proceeds of said tax shall be placed monthly in the state roads distribution fund in the state treasury.

(2) Article IX, Section 16, of the Constitution of 1885, as amended, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim for the purpose of providing that after the effective date of this revision the proceeds of the "second gas tax" as referred to therein shall be allocated among the several counties in accordance with the formula stated therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds, revenue certificates and tax anticipation certificates or any refundings thereof secured by any portion of the "second gas tax."

(3) No funds anticipated to be allocated under the formula stated in Article IX, Section 16, of the Constitution of 1885, as amended, shall be pledged as security for any obligation hereafter issued or entered into, except that any outstanding obligations previously issued pledging revenues allocated under said Article IX, Section 16, may be refunded at a lower net average interest cost rate by the issuance of refunding bonds, maturing not later than the obligations refunded, secured by the same revenues and any other security authorized in paragraph (5) of this subsection.

(4) Subject to the requirements of paragraph (2) of this subsection and after payment of administrative expenses, the "second gas tax" shall be allocated to the account of each of the several counties in the amounts to be determined as follows: There shall be an initial allocation of one-fourth in the ratio of county area to state area, one-fourth in the ratio of the total county population to the total population of the state in accordance with the latest available federal census, and one-half in the ratio of the total "second gas tax" collected on retail sales or use in each county to the total collected in all counties of the state during the previous fiscal year. If the annual debt service requirements of any obligations issued for any county, including any deficiencies for prior years, secured under paragraph (2) of this subsection, exceeds the amount which would be allocated to that county under the formula set out in this paragraph, the amounts allocated to other counties shall be reduced proportionately.

(5) Funds allocated under paragraphs (2) and (4) of this subsection shall be administered by the state board of administration created under said Article IX, Section 16, of the Constitution of 1885, as amended, and which is continued as a body corporate for the life of this subsection 9(c). The board shall remit the proceeds of the "second gas tax" in each county account for use in said county as follows: eighty per cent to the state agency supervising the state road system and twenty per cent to the governing body of the county. The percentage allocated to the county may be increased by general law. The proceeds of the "second gas tax" subject to allocation to the several counties under this paragraph (5) shall be used first, for the payment of obligations pledging revenues allocated pursuant to Article IX, Section 16, of the Constitution of 1885, as amended, and any refundings, thereof; second, for the payment

of debt service on bonds issued as provided by this paragraph (5) to finance the acquisition and construction of roads as defined by law; and third, for the acquisition and construction of roads. When authorized by law, state bonds pledging the full faith and credit of the state may be issued without any election: (i) to refund obligations secured by any portion of the "second gas tax" allocated to a county under Article IX, Section 16, of the Constitution of 1885, as amended; (ii) to finance the acquisition and construction of roads in a county when approved by the governing body of the county and the state agency supervising the state road system; and (iii) to refund obligations secured by any portion of the "second gas tax" allocated under paragraph 9(c)(4). No such bonds shall be issued unless a state fiscal agency created by law has made a determination that in no state fiscal year will the debt service requirements of the bonds and all other bonds secured by the pledged portion of the "second gas tax" allocated to the county exceed seventy-five per cent of the pledged portion of the "second gas tax" allocated to that county for the preceding state fiscal year, of the pledged net tolls from existing facilities collected in the preceding state fiscal year, and of the annual average net tolls anticipated during the first five years of operation of new projects to be financed. Bonds issued pursuant to this subsection shall be payable primarily from the pledged tolls and portions of the "second gas tax" allocated to that county.

(d) SCHOOL BONDS.

(1) Article XII, Section 9, Subsection (d) of this constitution, as amended, (which, by reference, adopted Article XII, Section 18, of the Constitution of 1885, as amended) as the same existed immediately before the effective date of this amendment is adopted by this reference as part of this amendment as completely as though incorporated herein verbatim, for the purpose of providing that after the effective date of this amendment the first proceeds of the revenues derived from the licensing of motor vehicles as referred to therein shall be distributed annually among the several counties in the ratio of the number of instruction units in each county, the same being coterminous with the school district of each county as provided in Article IX, Section 4, Subsection (a) of this constitution, in each year computed as provided therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds or motor vehicle tax anticipation certificates issued before the effective date of this amendment or any refundings thereof which are secured by any portion of such revenues derived from the licensing of motor vehicles.

(2) No funds anticipated to be distributed annually among the several counties under the formula stated in Article XII Section 9, Subsection (d) of this constitution, as amended, as the same existed immediately before the effective date of this amendment shall be pledged as security for any obligations hereafter issued or entered into, except that any outstanding obligations previously issued pledging such funds may be refunded at a lower net average interest cost rate by the issuance of refunding bonds maturing not later than the obligations refunded, secured by the same revenues and any other security authorized in paragraph (13) of this subsection (d).

(3) Subject to the requirements of paragraph (1) of this subsection (d) beginning July 1, 1973 and for thirty-five years thereafter, the first proceeds of the revenues derived from the licensing of motor vehicles to the extent necessary to comply with the provisions of this amendment, shall, as collected, be placed monthly in the school district and junior college district capital outlay and debt service fund in the state treasury and used only as provided in this amendment. Such revenue shall be distributed annually among the several school districts and junior college districts in the ratio of the number of instruction units in each school district or junior college district in each year computed as provided herein. The amount of the first revenues derived from the state motor vehicle license taxes to be so set aside in each year and distributed as provided herein shall be an amount equal in the aggregate to the product of six hundred dollars (\$600) multiplied by the total number of instruction units in all the school districts of Florida for the school fiscal year 1967-68, plus an amount equal in the aggregate to the product of eight hundred dollars (\$800) multiplied by the total number of instruction units in all the school districts of Florida for the school fiscal year 1972-73 and for each school fiscal year thereafter which is in excess of the total number of such instruction units in all the school districts of Florida for the school fiscal year 1967-68, such excess units being designated "growth units." The amount

of the first revenues derived from the state motor vehicle license taxes to be so set aside in each year and distributed as provided herein shall additionally be an amount equal in the aggregate to the product of four hundred dollars (\$400) multiplied by the total number of instruction units in all junior college districts of Florida. The number of instruction units in each school district or junior college district in each year for the purposes of this amendment shall be the greater of (1) the number of instruction units in each school district for the school fiscal year 1967-68 or junior college district for the school fiscal year 1968-69 computed in the manner heretofore provided by general law, or (2) the number of instruction units in such school district, including growth units, or junior college district for the school fiscal year computed in the manner heretofore or hereafter provided by general law and approved by the state board of education (hereinafter called the state board), or (3) the number of instruction units in each school district, including growth units, or junior college district on behalf of which the state board has issued bonds or motor vehicle tax anticipation certificates under this amendment which will produce sufficient revenues under this amendment to equal one and twelve-hundredths (1.12) times the aggregate amount of principal of and interest on all bonds or motor vehicle tax anticipation certificates issued under this amendment which will mature and become due in such year, computed in the manner heretofore or hereafter provided by general law and approved by the state board.

(4) Such funds so distributed shall be administered by the state board as now created and constituted by Section 2 of Article IX of the State Constitution as revised in 1968, or by such other instrumentality of the state which shall hereafter succeed by law to the powers, duties and functions of the state board, including the powers, duties and functions of the state board provided in this amendment. For the purposes of this amendment, said state board shall be a body corporate and shall have all the powers provided in this amendment in addition to all other constitutional and statutory powers related to the purposes of this amendment heretofore or hereafter conferred upon said state board.

(5) The state board shall, in addition to its other constitutional and statutory powers, have the management, control and supervision of the proceeds of the first part of the revenues derived from the licensing of motor vehicles provided for in this subsection (d). The state board shall also have power, for the purpose of obtaining funds for the use of any school board of any school district or board of trustees of any junior college district in acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing of capital outlay projects for school purposes to issue bonds or motor vehicle tax anticipation certificates, and also to issue such bonds or motor vehicle tax anticipation certificates to pay, fund or refund any bonds or motor vehicle tax anticipation certificates theretofore issued by said state board. All such bonds or motor vehicle tax anticipation certificates shall bear interest at not exceeding five per centum per annum, or such higher interest rate as may be authorized by statute heretofore or hereafter passed by a three-fifths (3/5) vote of each house of the legislature. All such bonds shall mature serially in annual installments commencing not more than three (3) years from the date of issuance thereof and ending not later than thirty (30) years from the date of issuance, or July 1, 2007, A.D., whichever is earlier. All such motor vehicle tax anticipation certificates shall mature prior to July 1, 2007, A.D. The state board shall have power to determine all other details of said bonds or motor vehicle tax anticipation certificates and to sell at public sale after public advertisement, or exchange said bonds or motor vehicle tax anticipation certificates, upon such terms and conditions as the state board shall provide.

(6) The state board shall also have power to pledge for the payment of the principal of and interest on such bonds or motor vehicle tax anticipation certificates, including refunding bonds or refunding motor vehicle tax anticipation certificates, all or any part from the anticipated revenues to be derived from the licensing of motor vehicles provided for in this amendment and to enter into any covenants and other agreements with the holders of such bonds or motor vehicle tax anticipation certificates at the time of the issuance thereof concerning the security thereof and the rights of the holders thereof, all of which covenants and agreements shall constitute legally binding and irrevocable contracts with such holders and shall be fully enforceable by such holders in any court of competent jurisdiction.

(7) No such bonds or motor vehicle tax anticipation certificates shall ever be issued by the state board until after the adoption of a resolution requesting the issuance thereof by the school board of the school district or board of trustees of the junior college district on behalf of which the obligations are to be issued. The state board of education shall limit the amount of such bonds or motor vehicle tax anticipation certificates which can be issued on behalf of any school district or junior college district to ninety percent (90%) of the amount which it determines can be serviced by the revenue accruing to the school district or junior college district under the provisions of this amendment, and such determination shall be conclusive. All such bonds or motor vehicle tax anticipation certificates shall be issued in the name of the state board of education but shall be issued for and on behalf of the school board of the school district or board of trustees of the junior college district requesting the issuance thereof, and no election or approval of qualified electors shall be required for the issuance thereof.

(8) The state board shall in each year use the funds distributable pursuant to this amendment to the credit of each school district or junior college district only in the following manner and in order of priority:

a. To comply with the requirements of paragraph (1) of this subsection (d).

b. To pay all amounts of principal and interest maturing in such year on any bonds or motor vehicle tax anticipation certificates issued under the authority hereof, including refunding bonds or motor vehicle tax anticipation certificates, issued on behalf of the school board of such school district or board of trustees of such junior college district; subject, however, to any covenants or agreements made by the state board concerning the rights between holders of different issues of such bonds or motor vehicle tax anticipation certificates, as herein authorized.

c. To establish and maintain a sinking fund or funds to meet future requirements for debt service or reserves therefor, on bonds or motor vehicle tax anticipation certificates issued on behalf of the school board of such school district or board of trustees of such junior college district under the authority hereof, whenever the state board shall deem it necessary or advisable, and in such amounts and under such terms and conditions as the state board shall in its discretion determine.

d. To distribute annually to the several school boards of the school districts or the boards of trustees of the junior college districts for use in payment of debt service on bonds heretofore or hereafter issued by any such school boards of the school districts or boards of trustees of the junior college districts where the proceeds of the bonds were used, or are to be used, in the acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing of capital outlay projects in such school districts or junior college districts and which capital outlay projects have been approved by the school board of the school district or board of trustees of the junior college district, pursuant to the most recent survey or surveys conducted under regulations prescribed by the state board to determine the capital outlay needs of the school district or junior college district. The state board shall have power at the time of issuance of any bonds by any school board of any school district or board of trustees of any junior college district to covenant and agree with such school board or board of trustees as to the rank and priority of payments to be made for different issues of bonds under this subparagraph d., and may further agree that any amounts to be distributed under this subparagraph d. may be pledged for the debt service on bonds issued by any school board of any school district or board of trustees of any junior college district and for the rank and priority of such pledge. Any such covenants or agreements of the state board may be enforced by any holders of such bonds in any court of competent jurisdiction.

e. To distribute annually to the several school boards of the school districts or boards of trustees of the junior college districts for the payment of the cost of acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing of capital outlay projects for school purposes in such school district or junior college district as shall be requested by resolution of the school board of the school district or board of trustees of the junior college district.

f. When all major capital outlay needs of a school district or junior college district have been met as determined by the state board, on the basis of a survey made pursuant to regulations of the state board and approved by the state board, all such funds remaining shall be distributed annually and used for such school purposes in such school district or junior college district as the school board of the school district or board of trustees of the junior college district shall determine, or as may be provided by general law.

(9) Capital outlay projects of a school district or junior college district shall be eligible to participate in the funds accruing under this amendment and derived from the proceeds of bonds and motor vehicle tax anticipation certificates and from the motor vehicle license taxes, only in the order of priority of needs, as shown by a survey or surveys conducted in the school district or junior college district under regulations prescribed by the state board, to determine the capital outlay needs of the school district or junior college district and approved by the state board; provided that the priority of such projects may be changed from time to time upon the request of the school board of the school district or board of trustees of the junior college district and with the approval of the state board; and provided further, that this paragraph (9) shall not in any manner affect any covenant, agreement or pledge made by the state board in the issuance by said state board of any bonds or motor vehicle tax anticipation certificates, or in connection with the issuance of any bonds of any school board of any school district, or board of trustees of any junior college district.

(10) The state board may invest any sinking fund or funds created pursuant to this amendment in direct obligations of the United States of America or in the bonds or motor vehicle tax anticipation certificates, issued by the state board on behalf of the school board of any school district or board of trustees of any junior college district.

(11) The state board shall have power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted and no legislation shall be required to render this amendment of full force and operating effect. The legislature shall not reduce the levies of said motor vehicle license taxes during the life of this amendment to any degree which will fail to provide the full amount necessary to comply with the provisions of this amendment and pay the necessary expenses of administering the laws relating to the licensing of motor vehicles, and shall not enact any law having the effect of withdrawing the proceeds of such motor vehicle license taxes from the operation of this amendment and shall not enact any law impairing or materially altering the rights of the holders of any bonds or motor vehicle tax anticipation certificates issued pursuant to this amendment or impairing or altering any covenant or agreement of the state board, as provided in such bonds or motor vehicle tax anticipation certificates.

(12) The state board shall have power to appoint such persons and fix their compensation for the administration of the provisions of this amendment as it shall deem necessary, and the expenses of the state board in administering the provisions of this amendment shall be prorated among the various school districts and junior college districts and paid out of the proceeds of the bonds or motor vehicle tax anticipation certificates or from the funds distributable to each school district or junior college district on the same basis as such motor vehicle license taxes are distributable to the various school districts or junior college districts under the provisions of this amendment. Interest or profit on sinking fund investments shall accrue to the school districts or junior college districts in proportion to their respective equities in the sinking fund or funds.

(13) Bonds issued by the ~~state school~~ board pursuant to this subsection (d) shall be payable primarily from said motor vehicle license taxes as provided herein, and if heretofore or hereafter authorized by law, may be additionally secured by pledging the full faith and credit of the state without an election. When heretofore or hereafter authorized by law, bonds issued pursuant to Article XII, Section 18 of the Constitution of 1885, as amended prior to 1968, and bonds issued pursuant to Article XII, Section 9, subsection (d) of the Constitution as revised in 1968, and bonds issued pursuant to this subsection (d), may be refunded by the issuance of bonds additionally secured by the full faith and credit of the state only at a lower net average interest cost rate.

(e) **DEBT LIMITATION.** Bonds issued pursuant to this Section 9 of Article XII which are payable primarily from revenues pledged pursuant to this section shall not be included in applying the limits upon the amount of state bonds contained in Section 11, Article VII, of this revision.

(f) If, at the general election at which this amendment is adopted, there is also adopted an amendment to this section wherein the proposed language of subsection (a) differs from that contained herein, then such other language as to subsection (a) shall prevail over the language of subsection (a) as contained herein.

(g) If, at the general election at which this amendment is adopted, there is also adopted an amendment to this section wherein the proposed language of subsection (d) differs from that contained herein, then such other language shall prevail over the language of subsection (d) as contained herein.

(h) *If, at the general election at which this amendment is adopted, there is also adopted an amendment to this section wherein the proposed language of subsection (c) differs from that contained herein, then such other language as to subsection (c) shall prevail over the language of subsection (c) as contained herein. This amendment shall take effect as of July 1, 1975.*

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the substance of the amendment proposed herein shall appear on the ballot as follows:

Proposes an amendment to Section 9 of Article XII of the State Constitution to:

Continue today's school construction program at area vocational-technical centers, community colleges, and universities, and extend the program to include the K-12 public schools, supported by bonds payable from the gross receipts taxes, pledging the full faith and credit of the state.

—a companion measure was substituted therefor and read the second time. On motion by Senator Graham, by two-thirds vote CS for HJR's 2289 and 2984 was read the third time in full, passed with the required constitutional three-fifths vote of the membership and certified to the House. The vote was:

Yeas—34

Mr. President	Henderson	Plante	Vogt
Brantley	Johnson	Poston	Ware
Childers	Johnston	Saunders	Weber
Firestone	Lane (23rd)	Sayler	Williams
Gillespie	Lewis	Scarborough	Wilson
Glisson	McClain	Sims	Winn
Gordon	Myers	Smathers	Zinkil
Graham	Peterson	Sykes	
Gruber	Pettigrew	Trask	

Nays—1

de la Parte

SJR 965 was laid on the table.

SB 273 was taken up and on motion by Senator Williams—

HB 2862—A bill to be entitled An act relating to continuing education; creating §240.0445, Florida Statutes, to authorize the board of regents to establish a center for continuing education for training, research, and education in the environmental occupations with special emphasis upon training of operational personnel for water and waste water utilities throughout Florida; providing for cooperation with other agencies; providing an appropriation; providing an effective date.

—a companion measure was substituted therefor. On motions by Senator Williams, by two-thirds vote HB 2862 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Childers	de la Parte	Gillespie
Brantley	Deeb	Firestone	Glisson

Graham	Lewis	Sayler	Vogt
Gruber	McClain	Scarborough	Ware
Henderson	Peterson	Sims	Weber
Johnson	Pettigrew	Smathers	Williams
Johnston	Plante	Stolzenburg	Wilson
Lane (31st)	Poston	Sykes	Winn
Lane (23rd)	Saunders	Trask	Zinkil

Nays—None

By unanimous consent Senator Gallen was recorded as voting yea.

SB 273 was laid on the table.

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred CS for SB 643 with 5 amendments reports that the Senate amendments have been incorporated and the bill is returned herewith.

JOE BROWN, Secretary

The bill was certified to the House.

On motion by Senator Barron the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has adopted the Conference Committee Report as an entirety and passed SB 1100 as amended by the Conference Committee Report.

Allen Morris, Clerk

The bill contained in the above message was ordered engrossed.

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has again refused to concur in Senate Amendments 2 and 4 to:

By the Committee on Appropriations and Representative L. McDonald and others—

CS for CS for HB 3418—A bill to be entitled An act relating to public officers and employees and candidates for public office; amending §§112.311, 112.312, 112.313, 112.314, 112.316 and 112.317, Florida Statutes, 1973, and creating §§112.3145 and 112.3155, Florida Statutes, providing legislative intent; providing definitions; establishing standards of conduct for public officers and employees, candidates, advisory board members, legislators and legislative employees, and judicial officers; requiring disclosure of financial interests by source and percentage by public officers and candidates; including spouse and minor child within the definition of public officer for purposes of financial disclosure; including in the requirement to disclose total compensation received, all persons doing consulting work with an agency; providing for forms and procedures for such disclosures; providing for construction of part III of chapter 112, Florida Statutes; providing enforcement; repealing §112.318, Florida Statutes, 1973, relating to procedures on complaints of violation of part III of chapter 112, Florida Statutes; providing an effective date.

and again requests the Senate to recede, and in the event the Senate refuses to recede requests a Conference Committee. The Speaker has appointed Representatives L. McDonald, Harris, Walker, Johnson and James as House Conferees, with Representatives Smith and Easley as alternates.

Allen Morris, Clerk

On motions by Senator Barron the Senate refused to recede from Senate Amendments 2 and 4 to CS for HB 3418 and again requested the House to concur. The action of the Senate was certified to the House.

The Senate resumed Consent Calendar.

Consideration of HB 3168, CS for HB 2770 and HB 4142 was deferred.

On motion by Senator Plante, HB 3608 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

SB 824 was taken up and on motion by Senator Plante—

HB 3608—A bill to be entitled An act relating to excise tax on documents; amending section 201.01, Florida Statutes, to provide a documentary stamp tax on the recording of documents enumerated in section 201.01; amending subsection (1) of section 201.02, Florida Statutes, to include recording of the documents named in subsection (1) in the tax imposed by section 201.02; repealing section 201.08, Florida Statutes, relating to tax on promissory notes, written obligations to pay money, and assignments of wages or other compensation; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Plante, by two-thirds vote HB 3608 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Gruber	Poston	Trask
Brantley	Johnson	Saunders	Vogt
Childers	Johnston	Saylor	Ware
Deeb	Lane (31st)	Scarborough	Weber
Firestone	McClain	Sims	Wilson
Gillespie	Myers	Smathers	Winn
Gordon	Peterson	Stolzenburg	Zinkil
Graham	Plante	Sykes	

Nays—4

Glisson	Henderson	Lane (23rd)	Lewis
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By unanimous consent Senator Gallen was recorded as voting yea.

SB 824 was laid on the table.

HB 1854 (cs)—A bill to be entitled An act relating to road designation; providing that a portion of State Road 10 be named the University of West Florida Causeway; authorizing and directing the department of transportation to erect appropriate markers; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote HB 1854 (cs) was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Plante	Vogt
Deeb	Johnson	Poston	Ware
de la Parte	Johnston	Saylor	Weber
Firestone	Lane (31st)	Scarborough	Wilson
Gillespie	Lane (23rd)	Sims	Winn
Glisson	Lewis	Smathers	Zinkil
Gordon	McClain	Stolzenburg	

Nays—None

By unanimous consent Senator Gallen was recorded as voting yea.

HB 4117—A bill to be entitled An act relating to bridge designation; designating the bridge over the intracoastal canal on State Road 292 in Escambia County as the Gulf Gateway Bridge; directing the department of transportation to erect markers; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote HB 4117 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	Gillespie	Johnson	Myers
Brantley	Glisson	Johnston	Peterson
Childers	Gordon	Lane (31st)	Plante
Deeb	Graham	Lane (23rd)	Poston
Firestone	Gruber	Lewis	Saylor
Gallen	Henderson	McClain	Scarborough

Sims
Smathers
Stolzenburg

Sykes
Trask
Vogt

Ware
Weber
Wilson

Winn
Zinkil

Nays—None

SB 350 was taken up and on motion by Senator Vogt—

HB 3120—A bill to be entitled An act relating to water management districts; creating §373.604, Florida Statutes; authorizing the governing board of a district to adopt a program of meritorious service awards for district employees; providing a limit on such awards; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Vogt, by two-thirds vote HB 3120 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	Gruber	Peterson	Sykes
Brantley	Henderson	Pettigrew	Trask
Childers	Johnson	Plante	Vogt
Deeb	Johnston	Poston	Ware
Firestone	Lane (31st)	Saylor	Weber
Gallen	Lane (23rd)	Scarborough	Wilson
Gillespie	Lewis	Sims	Winn
Glisson	McClain	Smathers	Zinkil
Gordon	Myers	Stolzenburg	

Nays—None

SB 350 was laid on the table.

Consideration of HB 1216 was deferred.

HB 2939—A bill to be entitled An act relating to alcoholic beverages; amending §561.15(2), Florida Statutes; clarifying certain grounds for denial of an alcoholic beverage license; providing an effective date.

—was read the second time by title.

Senator Scarborough moved the following amendments which were adopted:

Amendment 1—On page 2, strike all of lines 5 and 6 and insert:

Section 2. Section 561.20 (2)(a)3. is amended to read:

561.20 Limitation of number of licenses issued.—

(2)(a) No such limitation of the number of licenses as herein provided shall henceforth prohibit the issuance of a special license to:

3. Any restaurant having two thousand five hundred square feet of service area and equipped to serve one hundred fifty persons full-course meals at one time, and deriving at least 51 per cent of its gross revenue from the sale of food and non-alcoholic beverages. However, any license heretofore issued to any such hotel, motel, motor court, or restaurant or hereafter issued to any such hotel, motel, or motor court *(including a condominium accommodation,) under the general law shall not be moved to a new location, such licenses being valid only on the premises of such hotel, motel, motor court, or restaurant; *except any license for consumption on premises issued to a restaurant under the provisions of chapter 16774, 1935, Laws of Florida, which is still valid and is subject to the limitation contained in subsection (1) of this section shall not be considered a "Special" license, and shall be treated in the same manner as a license issued under section 565.02(b) and may be transferred and moved to a new location within the county in which it was issued in the manner provided by sections 561.32 and 561.33.* Licenses issued to hotels, motels, motor courts, or restaurants under the general law and held by such hotels, motels, motor courts, or restaurants on May 24, 1947, shall be counted in the quota limitation contained in subsection (1). The owner of a hotel or motel may lease his restaurant operation to another corporation, individual, or business association that, upon meeting the requirements set forth in this chapter, may operate independently of

the hotel, room service for alcoholic and intoxicating beverages within such hotel, motel, or motor court in which the restaurant is located. Any license issued for any hotel, motel, or motor court under the provisions of this law shall be issued only to the owner of said hotel, motel, or motor court or, in the event the hotel, motel, or motor court is leased, to the lessee of the hotel, motel, or motor court, and the license shall remain in the name of said owner or lessee so long as the license is in existence. Any special license now in existence heretofore issued under the provisions of this law cannot be renewed except in the name of the owner of the hotel, motel, motor court, or restaurant or, in the event the hotel, motel, motor court, or restaurant is leased, in the name of the lessee of the hotel, motel, motor court, or restaurant in which the license is located and must remain in the name of said owner or lessee so long as the license is in existence. Any license issued under this section shall be marked "Special", and nothing herein provided shall limit, restrict, or prevent the issuance of a special license for any restaurant or motel which shall hereafter meet the requirements of the law existing immediately prior to the effective date of this act, if construction of such restaurant has commenced prior to the effective date of this act and is completed within thirty days thereafter, or if an application is on file for such special license at the time this act takes effect; and any such licenses issued under this proviso may be annually renewed as now provided by law. Nothing herein shall prevent an application for transfer of a license to a bona fide purchaser of any hotel, motel, motor court, or restaurant by the purchaser of any hotel, motel, motor court, or restaurant by the purchaser of such facility or the transfer of such license pursuant to law. Restaurants that are a part of, or serve, publicly owned or leased airports are exempt from the provisions of this paragraph regarding minimum size and seating capacity.

Section 3. This act shall take effect upon becoming a law.

Amendment 2—On page 1 in title, lines 7 and 8, strike "providing an effective date." and insert: amending section 561.20 (2)(a)3., Florida Statutes, providing that certain restaurant quota licenses may be transferred and moved within the county in which they were issued; providing an effective date.

On motion by Senator Brantley, by two-thirds vote HB 2939 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Gruber	Pettigrew	Vogt
Brantley	Henderson	Plante	Ware
Childers	Johnson	Poston	Weber
Deeb	Johnston	Sayler	Wilson
Gallen	Lane (31st)	Scarborough	Winn
Gillespie	Lane (23rd)	Sims	Zinkil
Glisson	Lewis	Stolzenburg	
Gordon	Myers	Sykes	
Graham	Peterson	Trask	

Nays—2

Firestone Smathers

HB 3119—A bill to be entitled An act relating to water management districts; creating §373.605, Florida Statutes; authorizing the governing board of any district to adopt a plan of group insurance for employees of the district; authorizing the payment of the premiums therefor; ratifying group insurance agreements now in effect which conform to this act; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Vogt and adopted:

Amendment 1—On page 1, lines 15—31 and line 1 on page 2, strike all of Section 1. and insert: Section 1. 373.605, Florida Statutes, is created to read:

373.605 Group insurance for water management districts.—The governing board of any water management district is

hereby authorized and empowered to provide group insurance for its employees in the same manner and with the same provisions and limitations authorized for other public employees by sections 112.08, 112.09, 112.10, 112.11, 112.12 and 112.14, Florida Statutes.

On motion by Senator Vogt, by two-thirds vote HB 3119 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Smathers
Brantley	Gruber	Peterson	Stolzenburg
Childers	Henderson	Pettigrew	Trask
Deeb	Johnson	Plante	Vogt
Firestone	Johnston	Poston	Ware
Gallen	Lane (31st)	Saunders	Weber
Gillespie	Lane (23rd)	Sayler	Wilson
Glisson	Lewis	Scarborough	Winn
Gordon	McClain	Sims	Zinkil

Nays—None

HB 1660—A bill to be entitled An act relating to stamped or marked egg containers; amending chapter 506, Florida Statutes, by adding sections 506.46, 506.47, 506.48, 506.49, 506.50, 506.51, and 506.52, providing for registration of brand names or marks of egg containers by persons engaged in receiving and selling eggs in containers; providing for procedure for registration; providing for issuance of certificate and filing fee; prohibiting the illegal use of egg containers; regulating the transportation of egg containers; providing that deposits upon egg containers shall not be deemed a sale thereof; providing a penalty; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 1660 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Graham	Myers	Stolzenburg
Childers	Gruber	Peterson	Sykes
Deeb	Henderson	Plante	Trask
Firestone	Johnson	Poston	Vogt
Gallen	Johnston	Sayler	Ware
Gillespie	Lane (31st)	Scarborough	Wilson
Glisson	Lane (23rd)	Sims	Winn
Gordon	McClain	Smathers	Zinkil

Nays—1

Lewis

HB 509 (cs 509, 510, 511, 512)—A bill to be entitled An act relating to watchmaking; adding subsection (6) to §489.01, Florida Statutes, 1971, to define the term "establishment"; amending §489.02, Florida Statutes, 1971, which relates to required certificates, to exempt places of business which receive watches for repair elsewhere from requirements regarding display of certificates; amending §489.06(2), Florida Statutes, 1971, and adding new subsections to said section, which relates to registration, to provide for annual expiration of license and registration certificates and to provide for fines, suspension, and reinstatement for failure to renew; creating § 489.061, Florida Statutes, to require certification of establishments; adding subsection (4) to §489.09, Florida Statutes, 1971, to require itemized statements of charges upon request and to provide penalties for failure to comply; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 509 (cs 509, 510, 511, 512) was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Glisson	Lane (23rd)	Poston
Brantley	Gordon	McClain	Sayler
Childers	Gruber	Myers	Scarborough
Firestone	Johnson	Peterson	Sims
Gallen	Johnston	Pettigrew	Smathers
Gillespie	Lane (31st)	Plante	Stolzenburg

Sykes	Vogt	Weber	Zinkil
Trask	Ware	Winn	

Nays—None

By unanimous consent Senators Lewis and Graham were recorded as voting yea.

HB 3834—A bill to be entitled An act relating to advertising of room rates by public lodging establishments; amending section 509.201 (2)(a) and (b), Florida Statutes, to prohibit advertising of rates in any form without certain other disclosures; providing for restrictions on statements and numbers used in advertising of room rates; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Childers and adopted:

Amendment 1—On page 2, lines 28 and 29, strike "immediately upon becoming a law" and insert: January 1, 1975

On motion by Senator Childers, by two-thirds vote HB 3834 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Gordon	Peterson	Sykes
Brantley	Graham	Plante	Trask
Childers	Gruber	Poston	Vogt
Deeb	Henderson	Sayler	Ware
Firestone	Johnson	Scarborough	Weber
Gallen	Lane (23rd)	Sims	Winn
Gillespie	McClain	Smathers	Zinkil
Glisson	Myers	Stolzenburg	

Nays—None

Consideration of CS for HB 3822 was deferred.

CS for HB's 2288 and 3001—A bill to be entitled An act relating to mobile home parks; creating section 83.695, Florida Statutes, 1973, offering written lease to mobile home tenants, providing application of §83.69, Florida Statutes, upon expiration of lease or failure to enter into lease agreement, including certain provisions in lease, providing civil remedy for breach of lease, requiring local government to consider effect of zoning change; exempting parks with ten (10) or less lots; repealing section 83.68, Florida Statutes, relating to refund of entrance fees; amending section 83.70(6), Florida Statutes, relating to refund of entrance fees; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote CS for HB's 2288 and 3001 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Plante	Vogt
Deeb	Johnson	Poston	Weber
Firestone	Johnston	Sayler	Wilson
Gallen	Lane (31st)	Scarborough	Winn
Gillespie	Lane (23rd)	Sims	Zinkil
Glisson	Lewis	Smathers	
Gordon	McClain	Stolzenburg	

Nays—1

Pettigrew

SB 231 was laid on the table.

Consideration of CS for HB 2884 was deferred.

CS for HB 3948—A bill to be entitled An act relating to the regulation of motorboats; amending §371.021(2), (9), and (11) (b) and (c), Florida Statutes, 1973, and adding subsection (16)

to said section; amending §§371.031, 371.041, 371.051(1)—(9), 371.101, 371.171, 371.55, 371.57(1)(a), (2)(a), (3)(a), and (4)(a), 371.571, 371.62, 371.63, 371.64, 371.645, 371.65(1), (3), (4), (6)—(8) and the introductory paragraph thereof, 371.67(1), 371.75(1) and (3), 371.76(1), (3), and (4), 371.77, 371.78, 371.79, 371.81(1)—(4), (6), and (7), all Florida Statutes; providing changes in definitions; providing for the deletion of references to chapters 370 and 372, Florida Statutes, providing for the deletion of references to the commission; providing for a license fee instead of a tax; providing for registration of all motorboats; providing that certain class motorboats be furnished with additional safety equipment; providing for change in nomenclature; providing new classifications of motorboats; providing an appropriation and a change in distribution of fees; repealing §371.021(8), Florida Statutes, the definition of commission; repealing §371.051(10), Florida Statutes, relating to application for registration certificates; repealing §371.65(2), Florida Statutes, relating to administrative costs; repealing §371.80, Florida Statutes, relating to the motorboat revolving trust fund; providing an effective date.

—was read the second time by title. On motion by Senator Plante, by two-thirds vote CS for HB 3948 was read the third time by title, passed and certified to the House. The vote was:

Yeas—18

Brantley	Gordon	Myers	Scarborough
Deeb	Gruber	Pettigrew	Sims
de la Parte	Henderson	Plante	Vogt
Gillespie	Johnson	Saunders	
Glisson	Lane (23rd)	Sayler	

Nays—15

Mr. President	Graham	Smathers	Wilson
Childers	Johnston	Stolzenburg	Winn
Firestone	McClain	Sykes	Zinkil
Gallen	Peterson	Trask	

By unanimous consent Senator Lewis was recorded as voting yea.

SB 295 was laid on the table.

CS for HB 584—A bill to be entitled An act relating to noise pollution control and abatement; directing the department of transportation to use noise control methods in the construction of state highways especially where the highways abut residential development; directing the department to consider both artificial and natural means of highway noise abatement; emphasizing the uses of vegetative barriers; providing for co-operation and consultation; providing for use of federal funds; providing for a report to the legislature; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendments which were moved by Senator Childers and adopted:

Amendment 1—On page 2, line 25, strike "both natural and" and insert: natural or

Amendment 2—On page 2, line 27, strike "maximum use" and insert: maximum feasible use

Amendment 3—On page 3, line 11, strike "its use" and insert: its study and use

On motion by Senator Sayler, by two-thirds vote CS for HB 584 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	de la Parte	Glisson	Henderson
Brantley	Firestone	Gordon	Johnson
Childers	Gallen	Graham	Johnston
Deeb	Gillespie	Gruber	Lane (31st)

Lane (23rd)	Pettigrew	Smathers	Ware
Lewis	Plante	Stolzenburg	Wilson
McClain	Poston	Sykes	Winn
Myers	Saylor	Trask	Zinkil
Peterson	Sims	Vogt	

Nays—None

On motion by Senator Barron, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 1 and passed SB 81.

Allen Morris, Clerk

The bill contained in the above message was ordered enrolled.

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 2 and 3 and passed SB 825.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1A and 1B to House Amendment 1 and passed CS for SB 1020, as further amended.

Allen Morris, Clerk

The bills contained in the above messages were ordered engrossed.

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Commerce—

CS for SB 132—A bill to be entitled An act relating to pollution discharge prevention and control; amending Chapter 376, Florida Statutes; providing for a new title; expressing legislative intent; providing additional definitions; requiring the department of natural resources to provide enforcement; providing for an individual right of action under this law; requiring registration certificates for terminal facilities; providing for the department to adopt regulations pursuant to this law; repealing §376.08, Florida Statutes, 1971, relating to provisions for a port manager; providing the legislative intent for the Florida coastal protection fund; raising the limit of the fund to thirty-five million dollars (\$35,000,000.00); imposing an excise tax on the handling of all pollutants; providing for use of the moneys in the fund; providing for the liabilities and defenses of registrants; imposing a limitation of liability; establishing arbitration proceedings for the handling of claims for damage; requiring financial responsibility; providing budget procedures; providing for severability of invalid clauses; providing criminal penalties; providing an appropriation of \$10,000,000.00; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 1, strike everything after the enacting clause and insert: Section 1. Section 376.011, Florida Statutes, 1971, is amended to read:

376.011 Short title.—This chapter shall be known as "the oil pollutant spill prevention and pollution control act."

Section 2. Paragraph (a) of subsection (3) and subsections (5) and (6) of section 376.021, Florida Statutes, 1971, are amended to read:

376.021 Legislative intent.—

(3) The legislature further finds and declares that:

(a) The transfer of pollutants between vessels, between on-shore facilities and vessels, and between offshore facilities and vessels, and between terminal facilities within the jurisdiction of the state and state waters is a hazardous undertaking;

(5) The legislature further finds and declares that the preservation of the public uses referred to herein is of grave public interest and concern to the state in promoting its general welfare, preventing diseases, promoting health, and providing for the public safety and that the state's interest in such preservation outweighs any burdens of absolute liability imposed by the legislature upon those engaged in transferring pollutants and related activities.

(6) The legislature further declares that it is the intent of this chapter to support and complement applicable provisions of the Federal Water Quality Improvement Act of 1970, Pollution Control Act, as amended, specifically those provisions relating to the national contingency plan for removal of oil and other pollutants.

Section 3. Subsections (5), (7), (9), (10), (11), and (13) of §376.031, Florida Statutes, 1971, are amended, subsections (14) and (15) of said section are amended and renumbered, and new subsection (15), (16), and (17) are added to said section to read:

376.031 Definitions.—When used in this chapter, unless the context clearly requires otherwise:

(5) "Discharge" means shall include but not be limited to any spilling, leaking, seeping, pouring, emitting, emptying, or dumping, which occurs within the territorial limits of the State of Florida or outside of the territorial limits of the State of Florida and affects lands and water within the territorial limits of the state.

(7) "Pollutants" shall include, but not be limited to, oil of any kind and in any form, gasoline, pesticides, ammonia, chlorine, and derivatives thereof other hazardous materials.

(9) "Terminal facility" means any waterfront or offshore facility of any kind, other than vessels not owned or operated by such facility, and directly associated waterfront or offshore related appurtenances including pipelines located on land, including submerged lands, or on or under the surface of any kind of water, which facility and related appurtenances are used or capable of being used for the purpose of drilling for, pumping, storing, handling, transferring, processing, or refining oil or other pollutants, including, but not limited to, any such facility and related appurtenances owned or operated by a public utility or a governmental or quasi-governmental body. A vessel shall be considered a terminal facility only in the event of a ship-to-ship transfer of oil, petroleum products or their by products, and other pollutants, and only that vessel going to or coming from the place of transfer and the terminal facility. For the purposes of this act "terminal facility" shall not be construed to include waterfront facilities owned and operated by governmental entities acting as agents of public convenience for operators engaged in the drilling for, pumping, storing, handling, transferring, processing or refining of pollutants; however, each operator engaged in the drilling for, pumping, storing, handling, transferring, processing or refining of pollutants through a waterfront facility owned and operated by said governmental entity shall be construed as a terminal facility. With respect solely to application fees for licenses and annual license fees as required in this chapter, the term "terminal facility" shall not be construed to include the fuel storage tanks or other facilities of any marine service station having no more than twelve hundred gallons of pollutants in storage on the premises.

(10) "Owner" or "operator" means any person owning a terminal facility; "operator" means any person owning or operating a terminal facility whether by lease, contract, or other form of agreement.

(11) "Transfer" or "transferred" includes both onloading and or offloading between terminal facility and vessel, and vessel to vessel, or terminal facility to terminal facility.

(12) "Port manager" means the manager or director of the port or his designee, to be approved by the department to carry out the requirements of this chapter.

(13) ~~(14)~~ "Person in charge" means the person on the scene who is in direct, responsible charge of a terminal facility or vessel from which ~~oil or other~~ pollutants are discharged when the discharge occurs.

(14) ~~(15)~~ "Discharge cleanup organization" means any group, incorporated or unincorporated, of owners or operators of waterfront terminal facilities in any port or harbor of the state, and any other person who may elect to join, organized for the purpose of containing and cleaning up discharges of ~~oil and other~~ pollutants through cooperative efforts and shared equipment and facilities.

(15) "Board" means the board of arbitration.

(16) "Person" means any individual, partner, joint venture, corporation, any group of the foregoing organized or united for a business purpose, or governmental entity.

(17) "Registrant" is a terminal facility required to possess a valid registration certificate to operate as a terminal facility.

Section 4. Section 376.041, Florida Statutes, 1971, is amended to read:

376.041 Pollution ~~and corruption~~ of waters and lands of the state prohibited.—The discharge of ~~oil, petroleum products or their by-products, and other~~ pollutants into or upon any coastal waters, estuaries, tidal flats, beaches, and lands adjoining the seacoast of the state ~~in the manner defined by this act~~ is prohibited.

Section 5. Subsections (3) and (4) of section 376.051, Florida Statutes, 1971, are amended, and subsection (5) is added to said section to read:

376.051 Powers and duties of the department.—

(3) ~~Licenses~~ Registration certificates required under this chapter shall be issued from the department subject to such terms and conditions as are set forth in this chapter and as set forth in rules and regulations promulgated by the department as authorized herein.

(4) Whenever it becomes necessary for the state to protect the public interest under this chapter, it shall be the duty of the department to keep an accurate record of costs and expenses incurred and thereafter diligently to pursue the recovery of any sums so incurred ~~from the person responsible or from the government of the United States under any applicable federal act.~~

(5) ~~The department may bring an action on behalf of the state to enforce the liabilities imposed by §376.12. The department of legal affairs shall represent the department in any such proceeding.~~

Section 6. Section 376.06, Florida Statutes, 1971, is amended to read:

376.06 Operation without registration ~~license~~ prohibited.—

(1) No person shall operate or cause to be operated a terminal facility as defined in §376.031(9) without a ~~license, registration certificate.~~

(2) Registration certificates ~~licenses~~ shall be issued on an annual basis and shall expire on December 31 annually, subject to such terms and conditions as the department may determine are necessary to carry out the purposes of this chapter.

(3) As a condition precedent to the issuance or renewal of a registration certificate ~~license~~, the department shall require satisfactory evidence that the applicant has implemented, or is in the process of implementing, state and federal plans and regulations for prevention, control, and abatement of pollution ~~when a discharge occurs. control of pollution related to oil, petroleum products or their by-products, and other pollutants and the abatement thereof when a discharge occurs.~~

(4) Registration certificates ~~licenses~~ issued to any terminal facility shall include vessels used to transport ~~oil, petroleum products or their by-products, and other~~ pollutants between the facility and vessels within state waters.

(5) The department shall ~~may~~ require, in connection with the issuance of a terminal facility registration certificate, ~~license~~ the payment of a reasonable fee for processing applications for registration certificates. ~~This fee shall be in addition to the excise tax imposed by §376.11(4).~~ The fee shall be reason-

ably related to the administrative costs of verifying data submitted pursuant to obtaining the certificates and reasonable inspections; however, the fee shall not exceed \$250 per terminal facility per year.

(6) No later than October 1, ~~1970~~ 1974, every owner or operator of a terminal facility shall obtain a registration certificate. ~~license~~ The department shall issue a registration certificate ~~license~~ upon the showing that the registrant can provide all ~~necessary~~ required equipment to prevent, contain, and remove discharges of ~~oil and other~~ pollutants.

(7) On or after a date to be determined by the department, but in no case later than October 1, ~~1970~~ 1974, no person shall operate or cause to be operated any terminal facility without a terminal facility registration certificate issued by the department. No registration certificate shall be valid for more than one year unless revalidated by the department. Each applicant for a terminal facility registration certificate shall pay the registration certificate application ~~annual~~ ~~license~~ fee and shall submit information, in a form satisfactory to the department, describing the following:

(a) The barrel or other measurement capacity of the terminal facility.

(b) All ~~prevention~~, containment and removal equipment, including, but not limited to, vehicles, vessels, pumps, skimmers, booms, chemicals, and communication devices to which the facility has access, whether through direct ownership or by contract or membership in an approved discharge cleanup organization.

(c) The terms of agreement and operation plan of any discharge cleanup organization to which the owner or operator of the terminal facility belongs.

(8) Upon showing of satisfactory containment and cleanup capability under this section, and upon payment of ~~any~~ the registration certificate application fee required by the department under this section, ~~chapter and the~~ ~~license~~ fee the applicant shall be issued a registration certificate covering the terminal facility and related appurtenances, including vessels as defined in §376.031(12).

Section 7. Section 376.07, Florida Statutes, 1971, is amended to read:

376.07 Regulatory powers of department.—

The department shall from time to time adopt, amend, repeal, and enforce reasonable regulations insofar as they relate to ~~oil spills or discharges or the spills or discharges of other~~ pollutants into the waters of this state or onto the coasts of this state.

(1) The regulations shall be adopted in accordance with the administrative procedure act, chapter 120.

(2) The department shall adopt regulations including, but not limited to, the following matters:

(a) Operation and inspection requirements for terminal facilities, vessels, ~~personnel~~, and other matters relating to ~~license certification operations~~ under this chapter, but shall not require vessels to maintain spill prevention and containment gear in excess of federal requirements, and specifically requiring that vessels transporting pollutants within state waters shall maintain on board such containment gear as may be required by the department with a crew trained in the use of the gear.

(b) Procedures and methods of reporting discharges and other occurrences prohibited by this chapter.

(c) Procedures, methods, means, and equipment to be used by persons subject to regulation by this chapter in the removal of pollutants.

(d) Development and implementation of criteria and plans to meet ~~oil, petroleum, and other~~ pollution occurrences of various degrees and kinds.

(e) The establishment of eleven regional control districts, one for each of the eleven deep water ports of the state, with a response team in each district and the establishment of rules and regulations to meet the particular requirements of each district. The department shall ~~create~~ ~~Creation by contract or administrative action~~ a state response team which shall be responsible for creating and maintaining a contingency plan of

response, organization, and equipment for handling emergency cleanup operations. The state plans shall include detailed emergency operating procedures for the state as a whole and for the eleven regional control districts, and the team shall from time to time conduct practice alerts. These plans shall be filed with the governor, and all coast guard stations in the state, on or before January 1, 1975, and the head of each regional team. The contingency plan shall include all necessary information for the total containment and cleanup of pollution, including but not limited to an inventory of equipment and its location, a table of organization with the names, addresses, and telephone numbers of all persons responsible for implementing every phase of the plan, a list of available sources of supplies necessary for cleanup, and a designation of priority zones within each region to determine the sequence and methods of cleanup. The state response team shall act independently of agencies of the federal government but is directed to cooperate with any federal cleanup operation.

(f) Requirements for minimum weather and sea conditions for permitting a vessel to enter port and for the safety and operation of vessels, barges, tugs, motor vehicles, motorized equipment, and other equipment relating to the use and operation of terminals, facilities, and refineries, the approach and departure from terminals, facilities, and refineries and requirements that containment gear approved by the department be on hand and maintained by terminal facilities and refineries with adequate personnel trained in its use.

(g) Requirements that, prior to being granted entry into any port in this state, the master of a vessel shall report:

1. Any discharges of oil or other pollutants the vessel has had since leaving the last port;

2. Any mechanical problem on the vessel which creates the possibility of a spill discharge; and

3. Any denial of entry into any port during the current cruise of the vessel.

Any person who shall make or cause to be made any false statement in response to requirements of this section or any other provisions of this chapter with a fraudulent intent shall be guilty of a felony of the second degree punishable as provided in §775.082, §775.083 or §775.084, as required in §837.01.

(h) Requirements that any registrant causing or permitting the discharge of a pollutant in violation of the provisions of this chapter and at other reasonable times be subject to a complete and thorough inspection. If the department determines there are unsatisfactory preventive measures or containment and cleanup capabilities, it shall, a reasonable time after notice and hearing in compliance with chapter 120, suspend the registration until such time as there is compliance with the department requirements.

(i) ~~(h)~~ Such other rules and regulations as the exigencies of any condition may require or as may reasonably be necessary to carry out the intent of this chapter.

Section 8. Section 376.08, Florida Statutes, 1971, is hereby repealed.

Section 9. Section 376.09, Florida Statutes, 1971 is amended to read:

376.09 Removal of prohibited discharges.—

(1) Any person discharging pollutants as prohibited by §376.041 shall immediately undertake to contain, remove and abate the discharge to the department's satisfaction. Notwithstanding the above requirement, the department may undertake the removal of the discharge and may contract and retain agents who shall operate under the direction of the department.

(2) ~~Whenever oil or any other pollutant is discharged from any terminal facility or vessel in violation of §376.041, the person in charge of the terminal facility or vessel shall promptly remove, or arrange for the removal of, the oil or other pollutant. If the person causing a discharge, or the person in charge of facilities at which a discharge has taken place fails to act, the department may arrange for the removal of the pollutant. If the persons in charge fails so to act, the department may arrange for the removal of such pollutant, except that if the oil or other pollutant was discharged into or upon the navigable waters of the United States, the de-~~

partment shall act in accordance with the national contingency plan for removal of ~~oil or other~~ such pollutant as established pursuant to the Federal Water Quality Improvement Act of 1970, Pollution Control Act, and the costs of removal incurred by the department shall be paid in accordance with the applicable provisions of said law. Federal funds provided under said act shall be used to the maximum extent possible prior to the expenditure of state funds.

(3) In the event of discharge the source of which is unknown, any local discharge cleanup organization shall, upon the request of the department or its designee, immediately contain and remove the discharge. No action taken by any person to contain or remove a discharge, whether such action is taken voluntarily or at the request of the department or its designee, shall be construed as an admission of liability for the discharge.

(4) No person who, voluntarily or at the request of the department or its designee, renders assistance in containing or removing ~~oil or other~~ pollutants shall be liable for any civil damages to third parties resulting solely from acts or omissions of such person in rendering such assistance, except for acts or omissions amounting to gross negligence or willful misconduct.

(5) Nothing in this chapter shall affect in any way the right of any person who renders assistance in containing or removing ~~oil or other~~ pollutants to reimbursement for the costs of the containment or removal under the applicable provisions of this law or the Federal Water Quality Improvement Act of 1970 Pollution Control Act or any rights which that person may have against any third party whose acts or omissions in any way have caused or contributed to the discharge of the ~~oil or other~~ pollutants.

Section 10. Section 377.10, Florida Statutes, 1971, as amended by chapter 73-326, Laws of Florida, is amended to read:

376.10 Personnel and equipment.—The department shall establish and maintain at such ports within the state and other places as it shall determine such employees and equipment, other than equipment furnished by the registrant licensee, as in its judgment may be necessary to carry out the provisions of this chapter. The department may employ and prescribe the duties of such employees, subject to the rules and regulations of the division of personnel of the department of administration. The salaries of the employees and the cost of the equipment shall be paid from the Florida coastal protection fund established by this chapter. The department shall periodically consult with other departments of the state and specifically with the department of pollution control relative to procedures for the prevention of discharges of ~~oil and other~~ pollutants into or affecting the coastal waters of the state from operations regulated by the act, ~~pollutants into the coastal waters of the state from offshore drilling production facilities.~~

Section 11. Section 376.11, Florida Statutes, 1971, is amended to read:

376.11 Florida coastal protection trust fund.—

(1) *The purpose of this section is to provide a mechanism to have financial resources immediately available for cleanup and rehabilitation after a pollutant has been discharged, to prevent further damage by the pollutant, and to pay for damages. It is the legislative intent that this section be liberally construed to effect the purposes set forth, such interpretation being especially imperative in light of the danger to the environment and resources.*

(2) ~~(1)~~ The Florida coastal protection trust fund is established, to be used by the department as a nonlapsing revolving fund for carrying out the purposes of this chapter. ~~The fund shall be limited to the sum of five million dollars. To this fund shall be credited all excise taxes, license registration fees, penalties, judgments, and other fees and charges related to this chapter, including administrative expenses, and costs of removal of discharges of pollution. Charges against the fund shall be in accordance with this section.~~

(3) ~~(2)~~ Moneys in the fund not needed currently to meet the obligations of the department in the exercise of its responsibilities under this chapter shall be deposited with the treasurer to the credit of the fund and may be invested in such manner as is provided for by statute. Interest received on such

investment shall be credited to the Florida coastal protection fund.

(4) (a) ~~(3)~~ There is hereby levied, to be collected from and paid by each registrant, an excise tax upon each registrant for the privilege of operating a terminal facility and the handling of all pollutants covered by this chapter. Each registrant shall obtain from the department a license for each of the terminal facilities of the registrant in the state and shall pay therefor an annual license fee, the amount of which is to be determined by the department upon the basis of as measured by the volume in barrels of liquid pollutants transferred to or from the registrant.

(b) The excise tax shall be two cents (2¢) per barrel transferred until the balance in the fund equals or exceeds thirty-five million dollars (\$35,000,000.00). The fiscal year immediately following the year in which the balance in the fund equals or exceeds thirty-five million dollars (\$35,000,000.00), no excise tax per barrel shall be levied unless:

1. The balance in the fund is less than or equal to thirty million dollars (\$30,000,000.00). The fiscal year immediately following the year in which the balance in the fund is less than or equal to thirty million dollars (\$30,000,000.00), the excise tax shall be and shall remain two cents (2¢) per barrel transferred until the fund again equals or exceeds thirty-five million dollars (\$35,000,000.00). The fiscal year immediately following the year in which the fund again is equal to or exceeds thirty-five million dollars (\$35,000,000.00), the excise tax and fund shall be controlled as when the fund first was equal to or exceeded thirty-five million dollars (\$35,000,000.00), or

2. There is a discharge of catastrophic proportions, the results of which could significantly reduce the balance in the fund. In the event of such a catastrophic occurrence, the governor and cabinet as the head of the department of natural resources may, by rule, levy the excise tax in an amount not to exceed two cents (2¢) per barrel for a period of time sufficient to maintain the fund at a balance of thirty-five million dollars (\$35,000,000.00), after payment of the costs and damages related to the catastrophic discharge, or

3. The fund is unable to pay any proven claims against the fund at the end of the fiscal year. Notwithstanding any other provision of this section, the fiscal year following the year in which the fund is unable to pay any proven claims against the fund at the end of the fiscal year, the excise tax shall be and shall remain five cents (5¢) per barrel transferred until all outstanding proven claims have been paid and the fund again equals or exceeds ten million dollars (\$10,000,000.00). The fiscal year immediately following the year in which the fund, after levy of the five cents (5¢) excise tax, again is equal to or exceeds ten million dollars (\$10,000,000.00), the excise tax and fund shall be controlled in accordance with subsection (4) (b) (1) of this section, unless otherwise provided, or

4. The Florida coastal protection fund has had appropriated to it by the legislature but not yet repaid state funds from the general revenue fund. In such event the excise tax shall continue in effect until all such funds are repaid to the general revenue fund. The excise tax provided for in this section shall be collected monthly by the department of revenue on the basis of record certified to the department of revenue and department of natural resources and shall be credited to the Florida coastal protection fund; provided, however, that for the purposes of this section, the excise tax on each barrel of the pollutant shall be imposed only once at the first transfer of the specific pollutant. Each tax barrel of the specific pollutant shall only be considered once for the purpose of this excise tax. This excise tax shall be in addition to all other taxes imposed upon or paid by the registrant. The total capacity of the terminal facility for oil and other pollutants, but in no event to exceed \$500. License fees for a part of a year shall be prorated.

(4) Whenever the balance in the fund has reached the limit provided under this section, and as long as it remains so, license fees shall be proportionately reduced to cover only administrative expenses.

(5) Moneys in the Florida coastal protection fund shall be disbursed for the following purposes and no others:

(a) Administrative expenses, personnel expenses, and equipment costs of the department related to the enforcement of this chapter, subject to §376.18.

(b) All immediate costs involved in the abatement of pollution related to the discharge of oil or petroleum products or their by-products and other pollutants covered by this chapter and the abatement of other potential pollution hazards as authorized herein.

(c) All costs and expenses of the cleanup and rehabilitation of water fowl, and other wildlife, and all other natural resources damaged by the discharge of pollutants whether performed or authorized by the department or any other state or local agency.

(d) All provable costs and damages which are the proximate results of the discharge of pollutants covered by this chapter.

(6) The department shall recover to the use of the fund from the person or persons causing the discharge or from the federal government jointly and severally all sums expended therefrom, pursuant to section 376.12(4), including overdrafts, under paragraphs (b) and (c) of subsection (5), except that recoveries resulting from damage due to a discharge of a pollutant an oil pollution or other similar disaster shall be apportioned between the Florida coastal protection fund and the general revenue fund so as to repay the full costs to the general revenue fund of any sums disbursed therefrom as a result of such disaster.

(a) Requests for reimbursement to the fund for the above costs, if not paid within thirty days of demand, shall be turned over to the department of pollution control which, in cooperation with the department of legal affairs, shall undertake the for collection.

(b) Upon petition of the person determined to be liable for reimbursement to the fund for abatement costs under this subsection, the department may, after hearing, waive the right to reimbursement to the fund from such person if the department finds that the occurrence was the result of any of the following:

1. An act of war;

2. An act of government, either state, federal, or municipal;

3. An act of God, which means an unforeseeable act exclusively occasioned by the violence of nature without the interference of any human agency;

4. An act or omission of a third party without regard to whether any such act or omission was or was not negligent. The findings of the department shall be conclusive as it is the legislative intent that the waiver provided in this paragraph is a privilege conferred, not a right granted.

Section 12. Section 376.12, Florida Statutes, 1971, is amended to read:

376.12 Liabilities and defenses of terminal facilities and vessels licenses.—

(1) Because it is the intent of this chapter to provide the means for rapid and effective cleanup and to minimize damages, any vessel licensee and its agents or servants, including vessels destined for or leaving a licensee's terminal facility, who permits or suffers a prohibited discharge or other polluting condition to take place within state boundaries shall be liable to the fund state for all costs of cleanup or abatement or other damage incurred by the state up to an amount not to exceed fourteen million dollars (\$14,000,000.00) or one hundred dollars (\$100.00) per gross registered ton of such vessel, whichever is the lesser, and for damages resulting from injury to others, except that where the department can show that such discharge was the result of willful or gross negligence or willful misconduct within the privity or knowledge of the owner or operator or agent thereof, such owner or operator shall be liable to the fund for the full amount of such sums expended. Where a discharge of pollutants occurs from a terminal facility, recovery of costs of abatement and cleanup shall be limited to an amount not to exceed eight million dollars (\$8,000,000.00), except that where the department can show that such discharge was the result of willful or gross negligence or willful misconduct within the privity or knowledge of the owner or operator, such owner or operator shall be liable to the fund for the full amount of such sums expended. In addition, terminal facilities and vessels shall be liable for damages in accordance with the terms of subsections (2) and (3) of this section.

(2) Any person claiming to have suffered damages as a result of a discharge of pollutants prohibited by §376.041 may apply within twelve (12) months after the cause of action arises to the fund stating the amount of damage suffered as a result of the discharge. The department shall prescribe appropriate forms and details for such application, which application shall include a provision requiring the applicant to make a sworn verification of the damage claim to the best of his knowledge. The department may, upon petition and for good cause shown, waive the twelve (12) months limitation for filing damage claims.

(a) If the claimant and the person determined by the executive director to be responsible for the discharge and the executive director or his designee can agree to the damage claim the department shall certify the amount of the award and the name of the claimant to the treasurer who shall pay the award from the fund subject to the provisions of §376.12(5). The settlement mutually arrived at herein shall be binding upon all parties as to all issues and cannot be further attacked collaterally or by separate action in the future.

(b) If the claimant and the person determined by the executive director to be responsible for the discharge and the executive director or his designee cannot agree to the amount of the damage award, the claim shall forthwith be transmitted for action to the board of arbitration as provided herein. A claimant's submission of his claim to arbitration and payment resulting therefrom shall be a waiver of all other remedies; provided however that when the amount of proven damages exceeds the amounts available to any claimant or claimants from the fund such claimant or claimants shall have the right to a pro rata share of all funds received by the fund until the total amount of the proven damages is paid to the claimant or claimants. The department shall be a necessary party to all arbitration and court proceedings under this section.

(c) Each person's damage claims arising from a single occurrence shall be stated in one application. Damages omitted from any claim at the time the award is made shall be deemed waived.

(d) If a person damaged by a discharge of pollutant chooses to make a claim against the fund and accepts payment from or a judgement against the fund, then the department shall be subrogated to any cause of action that the claimant may have had to the extent of such payment or judgment and shall diligently pursue recovery on that cause of action pursuant to subsection (4) of this section and §376.11(6). In any such action the amount of damages shall be proved by the department by submitting to the court a written report of the amounts paid or owed from the fund to claimants. Such written report shall be admissible in evidence and the amounts paid from or owed by the fund to the claimants stated therein shall be irrebuttably presumed to be the amount of damages.

(e) The fund is absolutely liable for all claims proven against the fund as provided for in this section.

(3) The board of arbitration shall consist of three (3) persons: one (1) to be chosen by the claimants, one (1) to be chosen by the persons determined by the department to have caused the discharge or by the fund if the discharge is of unknown origin and one (1) person chosen by the first two (2) appointed members to serve as a neutral arbitrator. The neutral arbitrator shall serve as chairman. If the two (2) arbitrators fail to agree upon, select, and name the neutral arbitrator within ten (10) days after their appointment, then the department shall request the American Arbitration Association to utilize its procedures for the selection of the neutral arbitrator. The department is a necessary party to any arbitration or legal proceedings held pursuant to the provisions of this chapter. The department shall appear in any such proceedings and shall have the right to appeal any decisions as provided by this chapter.

(a) Arbitrators shall be named by their principals within thirty (30) days after the department receives notice of claims arising from a discharge prohibited by §376.041. If either party shall fail to select an arbitrator within the said thirty (30) days the other party shall request the American Arbitration Association to utilize its procedures for the selection of such arbitrator and the two (2) arbitrators shall proceed to select the neutral arbitrator as provided in this section.

(b) Hearings before boards of arbitrators shall be informal, and the rules of evidence prevailing in judicial proceedings

need not be required. The board shall have the power to administer oaths and to subpoena the attendance and testimony of witnesses, the production of books, records and other evidence relative or pertinent to the issues represented to them for determination. Such power shall be subject to the applicable Florida Rules of Civil Procedure.

(c) Determinations made by a majority of the board shall only be subject to judicial review in the circuit court of the circuit or circuits in which the discharge occurred.

(d) Representation on the board shall not be deemed an admission of liability for the discharge.

(4) It shall be the duty of the department in administering the fund to diligently pursue the reimbursement to the fund of any sum expended from the fund for cleanup, abatement and damages in accordance with the provisions of this chapter. In any suit to enforce claims of the fund state under this chapter, it shall not be necessary for the state department in administering the fund to plead or prove negligence in any form or manner. ~~on the part of the licensee or any vessel. If the~~ The state department in administering the fund is damaged by a discharge prohibited by this chapter it need only plead and prove ~~the fact of~~ the prohibited discharge or other polluting condition ~~and that it occurred.~~ The only defenses of a person alleged to be responsible for the discharge to an action for damages or costs and expenses of cleanup or abatement shall be to plead and prove that the occurrence was solely the result of any of the following or any combination of the following:

(a) An act of war;

(b) An act of government, either state, federal or municipal;

(c) An act of God, which means only an unforeseeable act exclusively occasioned by the violence of nature without the interference of any human agency;

(d) Any act or omission of a third party without regard to whether any such act or omission was or was not negligent.

(5) In the event the total awards against the fund shall exceed the present balance of the fund, the claimants shall be paid from the future income of the fund.

(6) In the event the total awards for a single occurrence exceed the present balance in the fund, the immediate award shall be paid on a pro rata basis. All claimants paid on a pro rata basis shall be paid a pro rata share of all funds received by the fund until the total amount of the proven damages is paid to the claimant.

(7) Provided, however, that nothing contained herein shall be construed to limit the liability of vessels, terminal facilities, or the fund for damages.

(8) In addition to the civil penalty, the pilot and the master of any vessel or person in charge of any ~~licensee's~~ terminal facility who fails to give immediate notification of a discharge to the ~~port manager~~ department and or the nearest coast guard station shall be guilty of a felony of the third degree, punishable as provided in §775.082, §775.083 or §775.084. After reporting a discharge a vessel shall remain in the jurisdiction of the department sufficient time to prove financial responsibility for the damages resulting from the discharge. The pilot and master of a vessel which fails to remain in the jurisdiction of the department for a reasonable time after notice of a discharge shall be guilty of a felony of the third degree punishable as provided in §775.082, §775.083 or §775.084. In no event shall the department detain the vessel longer than twelve (12) hours after proving financial responsibility. The department shall, by rules and regulations, require that the ~~licensee~~ registrant designate a person at the terminal facility who shall be the person in charge of that facility for the purposes specified by this section.

Section 13. Section 376.14, Florida Statutes, 1971, is amended to read:

376.14 Terminal facilities and vessels required to file bond, financial responsibility.—

(1) Each owner or operator of a terminal facility or vessel, including any barge, using any port in Florida shall be required to establish and maintain under rules and regulations prescribed by the department of natural resources, evidence of financial responsibility pursuant to federal laws and regulations. Such

evidence of financial responsibility shall be the only evidence required by the department that such registrant or vessel has the ability to meet the liabilities which may be incurred under this act, based on the capacity of the terminal facility or tonnage of the ship, the cargo carried, and other similar factors to which the vessel could be subjected under this chapter. Financial responsibility may be established and maintained by any one or a combination, of the following methods acceptable to the department:

- (a) Evidence of insurance;
 - (b) Surety bonds payable to the governor of the state, conditioned to pay all costs and expenses of the cleanup of any discharge as well as damages caused to the state and any person;
 - (c) Qualification as a self-insurer; or
 - (d) Other evidence of financial responsibility satisfactory to the department.
- (2) A bond filed with the department shall be issued by a bonding company authorized to do business in the state.

(3) Any claim for costs incurred by a terminal facility or vessel brought pursuant to this chapter by the fund or any damaged party may be brought directly against the bond, the insurer, or any other person providing a terminal facility or vessel with evidence of financial responsibility. Any claim for costs of cleanup, civil penalties, or damages by the state, and any claim for damages by any injured person, may be brought directly against the bond, the insurer, or any other person providing evidence of financial responsibility.

(4) Each owner or operator of a terminal facility or vessel subject to the provisions of this chapter shall designate a person in the state as his legal agent for service of process under this chapter, and such designation shall be filed with the department of state. In the absence of such designation, the secretary of state shall be the designated agent for purposes of service of process under this chapter.

Section 14. Subsection (3) of section 376.16, Florida Statutes, 1971, is amended and subsection (4) is added to said section to read:

376.16 Enforcement and penalties.—

(1) It is unlawful for any person to violate any provision of this chapter or any rule, regulation, or order of the department made hereunder. Violation shall be punishable by a civil penalty of up to \$50,000 per violation per day to be assessed by the department. Each day during any portion of which the violation occurs constitutes a separate offense.

(2) Penalties assessed herein for a discharge shall be the only penalties assessed by the state, and the assessed person or persons shall be excused from paying any additional penalty for water pollution assessable under chapter 403 for the same occurrence.

(3) The penalty provisions of this section shall not apply to any discharge promptly reported and removed by a licensee registrant or vessel in accordance with the rules, regulations and order of the department.

Section 15. Section 376.18, Florida Statutes, 1971, is amended to read:

376.18 Budget approval.—The department shall submit to each regular session of the legislature its budget recommendations for disbursements from the fund, pursuant only to §376.11(5)(a). Upon approval appropriation thereof, by the legislature, the comptroller shall authorize expenditures therefrom as approved by the department.

Section 16. Section 376.20, Florida Statutes, 1971, is amended to read:

376.20 Limitation on application.—Nothing in this chapter shall be deemed to apply to the storage or transportation of liquefied petroleum gas or to industrial effluents discharged into the waters or atmosphere of the state pursuant to either a federal or state permit. a permit issued by department of pollution control.

Section 17.—The remedies in this act shall be deemed to be cumulative and not exclusive. Nothing in this act shall require pursuit of any claim against the fund as a condition precedent

to any other remedy. Notwithstanding any other provision of law, nothing contained herein shall prohibit any person from bringing a cause of action in a court of competent jurisdiction for all damages resulting from a discharge or other condition of pollution covered by this chapter. In any such suit, it shall not be necessary for the person to plead or prove negligence in any form or manner. Such person need only plead and prove the fact of the prohibited discharge or other pollutive condition and that it occurred. The only defenses to such cause of action shall be those specified in section 12, subsection (4), of this act. In addition to any other remedy, the injured party shall be entitled to recover costs of the action and reasonable attorneys fees.

Section 18. Section 376.21, Florida Statutes, 1971, is amended to read:

376.21 Construction.—This chapter, being necessary for the general welfare and the public health and safety of the state and its inhabitants, shall be liberally construed to effect the purposes set forth under this chapter and the Federal Water Quality Improvement Act of 1970. Pollution Control Act, as amended.

Section 19. In the event that any provision or application of this act is held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

Section 20. There is appropriated from the general revenue fund to the Florida coastal protection fund ten million dollars (\$10,000,000.00) as initial funding for the purposes set forth in section 376.11, Florida Statutes, as amended by this act. This money is to be returned to the general revenue fund from the Florida coastal protection fund in increments as funds are generated.

Section 21. This act shall take effect July 1, 1974.

Amendment 2—On page 19, lines 23—25, insert the following: In addition to the foregoing costs of clean-up, terminal facilities shall be liable to the fund for all damages in accordance with the terms of sub-sections 2, 3 and 4 of this section and the terms of section 376.11 (6).

Amendment 3—On page 1, lines 9—28, strike everything after the semicolon “,” and insert: requiring registration certificates for terminal facilities; providing for the department to adopt regulations pursuant to this law; repealing §376.08, Florida Statutes, 1971, relating to provisions for a port manager; providing the legislative intent for the Florida coastal protection fund; raising the amount of the fund to thirty-five million dollars (\$35,000,000.00), imposing an excise tax on the handling of pollutants; providing for use of the moneys in the fund; providing for the liabilities and defenses of registrants; imposing a limitation of liability for clean-up costs only; establishing arbitration proceedings for the handling of claims for damage; providing for an individual right of action under this law; requiring financial responsibility; providing budget procedures; providing for severability of invalid clauses; providing criminal penalties; providing an appropriation of \$10,000,000.00; providing an effective date.

Amendment 4—On page 26, line 25, insert the following:

Section 15. Section 376.17, Florida Statutes, 1971, is amended to read:

376.17 Reports to the legislature.—The department shall include in its recommendations to each regular session of the legislature specific recommendations relating to the operation of this chapter, specifically including a license fee formula to reflect individual licensee experience and a fee schedule based upon volatility and toxicity of petroleum products, their by-products, and other pollutants.

(Renumber subsequent sections.)

Amendment 5—On page 9, line 3, after the word “prevention” insert the following: , holding tanks, of any kind,

Amendment 6—On page 9, line 29, after the word “state” insert: and coast guard captain of the ports having responsibility for enforcement of federal pollution laws within the state,

Amendment 7—On page 17, line 28, underline: "pursuant to section 376.12(4)"

Amendment 8—On page 12, lines 9 & 10, and on page 13, lines 1 & 2 following "Pollution Control Act" insert: , *as amended*,

Amendment 9—On page 15, line 25, strike two cents (2¢) and insert: ten cents (10¢)

Amendment 10—On page 17, line 27, following "sums" insert: *owed or*

Amendment 11—On page 23, line 25, strike all of section (6) and insert: (6) In the event that the total awards for a specific occurrence exceed the current balance of the fund the immediate award shall be paid on a prorated basis, and all claimants paid on a prorated basis shall be paid a pro rata share of all funds received by the fund until the total amount of the proven damages is paid to the claimant or claimants; provided, however, that amounts collected by the fund from the prosecution of causes of action pursuant to subsection 2 (d) and subsection 4 of this section shall be utilized to satisfy the claims as to which such prosecutions relate to the extent theretofor unsatisfied.

Amendment 14—On page 26, after line 24, insert: (4) Any agreement entered into after the effective date of this act to "hold-harmless" a vessel or terminal facility from liability for the occurrence of a discharge prohibited by this act, agreed to by a governmental agency or political subdivision is deemed contrary to public policy and is hereby prohibited.

On motions by Senator Brantley, the Senate concurred in the House amendments to CS for SB 132.

CS for SB 132 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—30

Mr. President	Graham	McClain	Sykes
Barron	Gruber	Myers	Trask
Brantley	Henderson	Peterson	Vogt
Childers	Johnson	Plante	Ware
Deeb	Johnston	Poston	Weber
de la Parte	Lane (31st)	Scarborough	Zinkil
Glisson	Lane (23rd)	Sims	
Gordon	Lewis	Smathers	

Nays—7

Gallen	Pettigrew	Stolzenburg	Winn
Gillespie	Sayler	Wilson	

By unanimous consent Senator Ware changed his vote from yea to nay.

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendment 1 to—

By Senators Brantley and Williams—

SB 962—A bill to be entitled An act relating to the department of business regulation; amending section 20.16(4), Florida Statutes, to provide that division directors shall be appointed by the executive director of the department, subject to confirmation by the board of business regulation, and shall serve at the pleasure of the executive director of the department, providing an effective date.

—and again requests the Senate to concur.

Allen Morris, Clerk

Amendment 1—On page 1, line 24, strike subject to confirmation by the senate. and insert: subject to confirmation by the Board of Business Regulation.

On motion by Senator Brantley, the Senate concurred in the House amendment to SB 962.

SB 962 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—34

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Deeb	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Plante	Ware
Firestone	Johnston	Poston	Wilson
Gallen	Lane (31st)	Sayler	Winn
Gillespie	Lane (23rd)	Scarborough	Zinkil
Glisson	Lewis	Smathers	
Gordon	McClain	Stolzenburg	

Nays—None

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Henderson—

SB 589—A bill to be entitled An act relating to the game and fresh water fish commission; making the importation, for sale or use, of certain subhuman primates without a permit illegal; providing for the issuance of permits; providing penalties; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 13, strike all after the enacting clause and insert: Section 1. Section 372.922, Florida Statutes, is created to read:

372.922 Personal Possession of wildlife.—

(1) It is unlawful for any person or persons to possess any wildlife as defined in this act, whether indigenous to Florida or not, until he has obtained a permit as provided by this section from the game and fresh water fish commission.

(2) The classifications of types of wildlife and fees to be paid for the issuance of permits shall be as follows:

(a) Class I—Wildlife which, because of its nature, habits, or status shall not be possessed as a personal pet.

(b) Class II—Wildlife considered to present a real or potential threat to human safety, the sum of one hundred dollars (\$100) per annum.

(3) The commission shall promulgate regulations defining Class I and II types of wildlife. The commission shall also establish regulations and requirements necessary to insure that permits are granted only to persons qualified to possess and properly care for wildlife and that permitted wildlife possessed as personal pets will be maintained in sanitary surroundings and appropriate neighborhoods.

(4) Any person, firm, corporation, or association exhibiting or selling wildlife and duly permitted as provided by §372.921 shall be exempt from the requirement to obtain a permit under the provisions of this section.

(5) Persons in violation of this section shall be punishable as provided in §372.71.

Section 2. This act shall take effect July 1, 1974.

Amendment 2—On page 1 in title, line 3, strike lines 3—9 and insert: A bill to be entitled An act relating to the game and fresh water fish commission; prohibiting possession of certain wildlife; providing for regulation of the possession of other wildlife; providing for permits and fees; providing penalties; providing an effective date.

On motions by Senator Henderson, the Senate concurred in House amendments 1 and 2 to SB 589.

SB 589 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—32

Mr. President	Gruber	Peterson	Stolzenburg
Brantley	Henderson	Pettigrew	Sykes
Deeb	Johnson	Plante	Trask
de la Parte	Lane (31st)	Poston	Vogt
Firestone	Lane (23rd)	Saylor	Ware
Gallen	Lewis	Scarborough	Wilson
Gillespie	McClain	Sims	Winn
Graham	Myers	Smathers	Zinkil

Nays—1

Childers

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has adopted the Conference Committee Report as an entirety and passed CS for HB 2179 as amended by the Conference Committee Report.

Allen Morris, Clerk

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR HB 2179

The Honorable Mallory E. Horne May 30, 1974
President of the Senate

The Honorable Terrell Sessums
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on CS for House Bill 2179, same being:

A bill to be entitled An act relating to criminal law; creating §775.011, Florida Statutes, providing for title and applicability; creating §775.012, Florida Statutes, providing for general purposes; creating §775.021, Florida Statutes, providing for rules of construction; amending §775.08, Florida Statutes, 1973, providing for classes and definitions of offenses; amending §775.082, Florida Statutes, 1973, providing for penalties; amending §775.083, Florida Statutes, 1973, relating to fines; amending §775.084, Florida Statutes, 1973, relating to subsequent felony offenses; creating §775.085, Florida Statutes, relating to extended terms for subsequent misdemeanors; creating §775.086, Florida Statutes, relating to felony reclassification for possession of weapons or for battery; amending §790.23, Florida Statutes; providing that it shall be a felony of the second degree for persons convicted of certain crimes to have a firearm or other weapon; providing that it shall be a felony of the third degree for persons convicted of other felonies to have a firearm or other weapon; renumbering and amending §932.465, Florida Statutes, 1973, relating to time limitations; renumbering and amending §776.011, Florida Statutes, 1973, relating to principal in first degree; renumbering and amending §776.04, Florida Statutes, 1973, relating to attempts, solicitation and conspiracy; creating §§776.012, 776.021, 776.031, 776.041, 776.05, 776.06, 776.07, and 776.08, Florida Statutes, relating to justifiable use of force; amending §782.04, Florida Statutes, 1973, defining the crimes of and providing the penalties for murder; amending §782.07, Florida Statutes, 1973, defining the crime of and providing the penalty for manslaughter; creating §782.071, Florida Statutes, defining the crime of and penalty for vehicular homicide; renumbering and amending §784.02, Florida Statutes, 1973, defining the crime of and providing the penalty for assault; renumbering and amending §784.04, Florida Statutes, 1973, defining the crime of and providing the penalty for aggravated assault; amending §784.03, Florida Statutes, 1973, defining the crime of and providing the penalty for battery; amending §784.045, Florida Statutes, 1973, defining the crime of and providing the penalty for aggravated battery; amending §784.05, Florida Statutes, 1973, defining the crime of and providing the penalty for

culpable negligence; renumbering and amending §805.02, Florida Statutes, 1973, defining the crime of and providing the penalty for kidnapping; renumbering and amending §805.01, Florida Statutes, 1973, defining the crime of and providing the penalty for false imprisonment; creating §787.03, Florida Statutes, defining the crime of and providing the penalty for interference with custody; renumbering and amending §805.03, Florida Statutes, 1973, defining the crime of and providing the penalty for removing children from state; amending §806.01, Florida Statutes, 1973, defining the crimes of and providing the penalties for arson; amending §806.02, Florida Statutes, 1973, defining the crime of and providing the penalties for criminal mischief; amending §806.10, Florida Statutes, 1973, defining the crime of and providing the penalty for obstructing extinguishment of fire; amending §806.111(1), Florida Statutes, 1973, defining the crime of and providing the penalty for possession of fire bombs; creating §810.011, Florida Statutes, providing for definitions; amending §810.02, Florida Statutes, 1973, defining the crime of and providing the penalties for burglary; amending §810.06, Florida Statutes, 1973, defining the crime of and providing the penalty for possession of burglary tools; amending §810.07, Florida Statutes, 1973, relating to evidence of intent; creating §810.08, Florida Statutes, defining the crime of and providing the penalty for trespass in structure or conveyance; creating §810.09, Florida Statutes, defining the crime of and providing the penalty for trespass on property other than structure or conveyance; renumbering and amending §821.071, Florida Statutes, 1973, defining the crime of and providing the penalty for unlawfully removing notices; renumbering and amending §821.02, Florida Statutes, 1973, defining the crime of and providing the penalty for placing signs adjacent to highway; renumbering and amending §813.011, Florida Statutes, 1973, defining the crimes of and providing the penalties for robbery; creating §812.011, Florida Statutes, providing for definitions; renumbering and amending §811.021, Florida Statutes, 1973, defining the crime of and providing the penalty for larceny; renumbering and amending §811.16, Florida Statutes, 1973, defining the crime of and providing the penalty for receiving stolen property; renumbering and amending §814.04, Florida Statutes, 1973, defining the crime of and providing the penalty for unauthorized use of motor vehicle, etc.; renumbering and amending §811.165(2), Florida Statutes, 1973, relating to records of purchases and sales; renumbering and amending §§799.01 and 799.02, Florida Statutes, defining the crime of and providing the penalty for bigamy; renumbering and amending §799.03, Florida Statutes, 1973, defining the crime of and providing the penalty for knowingly marrying the spouse of another; creating §826.04, Florida Statutes, defining the crime of and providing the penalty for incest; creating §827.01, Florida Statutes, providing for definitions; renumbering and amending §828.04, Florida Statutes, 1973, defining the crime of and providing the penalty for aggravated child abuse; creating §827.04, Florida Statutes, defining the crime of and providing the penalty for child abuse; renumbering and amending §828.042, Florida Statutes, 1973, defining the crime of and providing the penalty for negligent treatment of children; creating §827.06, Florida Statutes, defining the crime of and providing the penalty for persistent nonsupport; creating §837.011, Florida Statutes, providing for definitions; renumbering and amending §837.01, Florida Statutes, 1973, defining the crime of and providing the penalty for perjury not in an official proceeding; amending §837.02, Florida Statutes, 1973, defining the crime of and providing the penalty for perjury in official proceedings; amending §837.021 (1), Florida Statutes, 1973, defining the crime of and providing the penalty for perjury by contradictory statements; creating §837.05, Florida Statutes, defining the crime of and providing the penalty for making false reports to law enforcement authorities; creating §837.06, Florida Statutes, defining the crime of and providing the penalty for false official statements; creating §838.014, Florida Statutes, providing for definitions; creating §838.015, Florida Statutes, defining the crime of and providing the penalty for bribery; creating §838.016, Florida Statutes, making unlawful certain compensation or rewards for past official behavior and providing penalty; creating §838.021, Florida Statutes, defining the crime of and providing the penalty for corruption by threat against public servant; creating §838.031, Florida Statutes, defining the crime of and providing the penalty for official misconduct; creating §838.041, Florida Statutes, defining the crime of and providing the penalty for misuse of confidential information; providing that reference to punish-

able as provided in specific sections of chapter 775 shall be changed to punishable as provided in chapter 775; renumbering §§776.03, Florida Statutes, 1973; renumbering §§779.01, 779.02, 779.03, 779.04, 779.05, 779.06, 779.07, 779.08, 779.09, 779.10, 779.11, 779.12, 779.13, 779.14, 779.15, 779.16, 779.17, 779.18, 779.19, 779.20 and 779.21, Florida Statutes, 1973; renumbering §806.06, Florida Statutes, 1973; renumbering §§811.022, Florida Statutes, 1973; renumbering §§811.165 and 811.201, Florida Statutes, 1973; renumbering §814.05, Florida Statutes, 1973; renumbering §814.07, Florida Statutes, 1973; renumbering §823.03, Florida Statutes, 1973; renumbering §828.041, Florida Statutes, 1973; and renumbering §828.201, Florida Statutes, 1973; repealing §741.22, Florida Statutes, 1973, relating to incest; repealing §775.11, Florida Statutes, 1973, relating to prosecution for second offenses; repealing §775.12, Florida Statutes, 1973, relating to limitation of appeal; repealing §§782.01, 782.02, and 782.05, Florida Statutes, 1973, relating to homicide; repealing §784.06, Florida Statutes, 1973, relating to assault; repealing §§794.02, 794.03, 794.04, 794.05, and 794.06, Florida Statutes, 1973, relating to rape; repealing §800.04, Florida Statutes, 1973, relating to crimes against nature; repealing §§806.03, 806.04, 806.05, 806.061, 806.07, 806.08, 806.09, 806.11, and 806.12, Florida Statutes, 1973, relating to arson; repealing §§810.01, 810.03, 810.04, 810.05, and 810.051, Florida Statutes, 1973, relating to burglary; repealing §§811.03, 811.04, 811.163, 811.17, 811.28, 811.29, and 811.30, Florida Statutes, 1973, relating to larceny; repealing §§812.10 and 812.12, Florida Statutes, 1973, relating to embezzlement; repealing §§814.01, 814.02, 814.03, and 814.06, Florida Statutes, 1973, relating to auto theft; repealing §§821.01, 821.011, 821.03, 821.04, 821.041, 821.05, 821.07, 821.08, 821.09, 821.10, 821.11, 821.12, 821.121, 821.13, 821.14, 821.15, 821.16, 821.17, 821.18, 821.19, 821.20, 821.21, 821.22, 821.221, 821.23, 821.24, 821.25, 821.26, 821.27, 821.28, 821.29, 821.30, 821.32, 821.33, 821.34, 821.35, 821.37, and 821.38, Florida Statutes, 1973, relating to trespass and injury to real property; repealing §§822.01, 822.02, 822.03, 822.04, 822.05, 822.06, 822.07, 822.08, 822.09, 822.10, 822.11, 822.12, 822.13, 822.14, 822.15, 822.16, 822.17, 822.18, 822.19, 822.20, 822.21, 822.22, and 822.23, Florida Statutes, 1973, relating to malicious injury to buildings; repealing §§823.01, 823.02, 823.04, 823.041, 823.05, 823.06, 823.07, 823.08, 823.09, and 823.10, Florida Statutes, 1973, relating to nuisances and doors of certain buildings; repealing §§828.01, 828.06, 828.07, 828.09, 828.10, 828.11, 828.18, 828.19, 828.20, and 828.21, Florida Statutes, 1973, relating to cruelty to animals and children; repealing §§833.03, 833.04, and 833.05, Florida Statutes, 1973, relating to conspiracy; repealing §§837.01, 837.03, and 837.04, Florida Statutes, 1973, relating to perjury; repealing §§838.01, 838.011, 838.012, 838.013, 838.02, 838.03, 838.04, 838.05, 838.06, 838.07, 838.071, 838.08, 838.09, and 838.10, Florida Statutes, 1973, relating to bribery; repealing §§851.01, 851.02, 851.03, and 851.04, Florida Statutes, 1973, relating to bucket shops; providing an effective date.

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the Senate recede from its amendments 1 and 2.
2. That the Senate and House of Representatives adopt the Conference Committee amendments attached hereto; and by reference made a part of this report.
3. That the Senate and House of Representatives pass CS for House Bill 2179 as amended by said Conference Committee amendments.

Thomas H. Johnson
James A. Johnston
Jack D. Gordon
David H. McClain
Richard A. Pettigrew

Managers on the part of
the Senate

Jack Shreve
Chester Clem
David C. Clark
Jeff D. Gautier
R. Ed Blackburn, Jr.

Managers on the part of the
House of Representatives

Conference Committee Amendment 1—On page 9, line 3, strike everything after the enacting clause and insert:

Section 1. Section 775.011, Florida Statutes, is created to read:

775.011 Short title; applicability to antecedent offenses.—

(1) This act shall be known and may be cited as the "Florida Criminal Code."

(2) Except as provided in subsection (3) of this section, the code does not apply to offenses committed prior to its effective date and prosecutions for such offenses shall be governed by the prior law. For the purposes of this section, an offense was committed prior to the effective date of the code if any of the material elements of the offense occurred prior thereto.

(3) In any case pending on or after the effective date of the code, involving an offense committed prior to such date, the provisions of the code involving any quasi-procedural matter shall govern, insofar as they are justly applicable. The provisions of the code according a defense or mitigation or establishing a penalty shall apply only with the consent of the defendant.

Section 2. Section 775.012, Florida Statutes, is created to read:

775.012 General purposes.—The general purposes of the provisions of the code are:

(1) To proscribe conduct that improperly causes or threatens substantial harm to individual or public interests.

(2) To give fair warning to the people of the State of Florida in understandable language of the nature of the conduct proscribed and of the sentences authorized upon conviction.

(3) To define clearly the material elements constituting an offense, and the accompanying state of mind or criminal intent required of that offense.

(4) To differentiate on reasonable grounds between serious and minor offenses and to establish appropriate disposition for each.

(5) To safeguard conduct that is without fault or legitimate state interest from being condemned as criminal.

(6) To insure the public safety by deterring the commission of offenses, providing for the opportunity for rehabilitation of those convicted, and for their confinement when required in the interests of public protection.

Section 3. Section 775.021, Florida Statutes, is created to read:

775.021 Rules of construction.—

(1) The provisions of this code and offenses defined by other statutes shall be strictly construed; when the language is susceptible of differing constructions; it shall be construed most favorably to the accused.

(2) The provisions of this chapter are applicable to offenses defined by other statutes, unless the code otherwise provides.

(3) This section does not affect the power of a court to punish for contempt or to employ any sanction authorized by law for the enforcement of an order or a civil judgment or decree.

Section 4. Section 775.08, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 775.08, F.S., for present text.)

775.08 Classes and definitions of offenses.—When used as the laws of this state:

(1) The term "felony" shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or imprisonment in a state penitentiary. "State penitentiary" wherever used in the Laws of Florida shall include state correctional facilities. A person shall be imprisoned in the state penitentiary for each sentence which, except an extended term exceeds one (1) year.

(2) The term "misdemeanor" shall mean any criminal offense that is punishable under the laws of this state or that would be punishable if committed in this state, by a term of imprisonment in a county correctional facility, except an extended term, not in excess of one year. The term "misdemeanor" as used in the laws of this state shall not mean any conviction for any violation of any provision of chapter 316, Florida Statutes, or of any municipal or county ordinance.

(3) The term "violation" shall mean any offense that is punishable under the laws of this state or that would be punish-

able if committed in this state, by no other penalty than a fine, forfeiture or other civil penalty. A violation does not constitute a crime, and conviction for a violation shall not give rise to any legal disability based on a criminal offense. The term "violation" as used in the laws of this state shall not mean any conviction for any violation of any provision of chapter 316, Florida Statutes, or of any municipal or county ordinance. Nothing contained in this code shall repeal or change the penalty for a violation of any provision of chapter 316, Florida Statutes, or of any municipal or county ordinance.

(4) The term "crime" shall mean a felony or misdemeanor.

Section 5. Section 775.082, Florida Statutes, is amended to read:

775.082 Penalties.—

(1) A person who has been convicted of a capital felony shall be punished by life imprisonment and shall be required to serve no less than twenty-five (25) ~~calendar~~ years before becoming eligible for parole unless the proceeding held to determine sentence according to the procedure set forth in section 921.141 results in findings by the court that such person shall be punished by death, and in the latter event such person shall be punished by death.

~~(2) In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, a person convicted of a capital felony shall be punished by life imprisonment as provided in subsection (1).~~

~~(3) (2)~~ In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment as provided in subsection (1).

~~(4) (3)~~ A person who has been convicted of any other designated felony may be punished as follows:

(a) For a life felony, by a term of imprisonment ~~in the state prison~~ for life, or for a term of years not less than thirty;

(b) For a felony of the first degree, by a term of imprisonment ~~in the state prison~~ not exceeding thirty (30) years or, when specifically provided by statute, by imprisonment ~~in the state prison~~ for a term of years not exceeding life imprisonment;

(c) For a felony of the second degree, by a term of imprisonment ~~in the state prison~~ not exceeding fifteen (15) years;

(d) For a felony of the third degree, by a term of imprisonment ~~in the state prison~~ not exceeding five (5) years.

~~(5) (4)~~ A person who has been convicted of a designated misdemeanor may be sentenced as follows:

(a) For a misdemeanor of the first degree, by a definite term of imprisonment ~~in the county jail~~ not exceeding one (1) year;

(b) For a misdemeanor of the second degree, by a definite term of imprisonment ~~in the county jail~~ not exceeding sixty (60) days.

(5) Any person who has been convicted of a violation may not be sentenced to a term of imprisonment nor to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in chapter 316, Florida Statutes, or by ordinance of any city or county.

(6) Nothing in this section shall be construed to alter the operation of any statute of this state authorizing a trial court, in its discretion, to impose a sentence of imprisonment for an indeterminate period within minimum and maximum limits as provided by law, except as provided in subsection (1).

(7) This section does not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. Such a judgment or order may be included in the sentence.

Section 6. Section 775.083, Florida Statutes, is amended to read:

775.083 Fines in lieu of, or in addition to, other criminal penalty.—A person who has been convicted of a crime an offense, other than a capital felony, may be sentenced, when specifically designated by statute, to pay a fine in lieu of or in addition to any punishment described in section 775.082, or when specifically authorized by statute, he may be sentenced to pay a fine in lieu of any punishment described in section 775.082. A person who has been convicted of a violation may be sentenced to pay a fine. Fines for designated crimes and for violations shall not exceed:

(1) \$15,000, when conviction is of a life felony;

~~(1) (2)~~ \$10,000 when the conviction is of a felony of the first or second degree;

~~(2) (3)~~ \$5,000, when the conviction is of a felony of the third degree;

~~(3) (4)~~ \$1,000, when the conviction is of a misdemeanor of the first degree;

~~(4) (5)~~ \$500, when the conviction is of a misdemeanor of the second degree or a violation;

~~(5) (6)~~ Any higher amount equal to double the pecuniary gain derived from the offense by the offender or double the pecuniary loss suffered by the victim.

~~(6) (7)~~ Any higher amount specifically authorized by statute.

(8) If a defendant is unable to pay a fine, the court shall permit him to pay the fine in installments.

Section 7. Section 775.084, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 775.084, F.S., for present text.)

775.084 Subsequent felony offenders; extended terms.—

(1) Unless otherwise specifically provided by statute, the court, after reasonable notice to the parties and opportunity to be heard, may sentence a person who has been convicted of a felony within this state to punishments provided in this section if it finds all the following:

(a) The imposition of sentence under this section is necessary for the protection of the public from further criminal activity by the defendant.

(b) The defendant has previously committed a felony, or the defendant has previously twice been convicted of a misdemeanor of the first degree, in this state or another qualified offense which was committed after the defendant's eighteenth birthday. For the purpose of this subsection, the term "qualified offense" includes any offense in violation of a law of another state or of the United States that was punishable under the laws of such state or the United States at the time of its commission by the defendant by death or imprisonment exceeding one year, or that was equivalent in penalty to a misdemeanor of the first degree.

(c) The felony for which the defendant is to be sentenced was committed within five years of the date of the commission of the last prior felony, or misdemeanor, or other qualified offense of which he was convicted, or within five years of the defendant's release, on parole or otherwise, from a prison sentence or other commitment imposed as a result of a prior conviction for a felony or other qualified offense, whichever is later.

(d) The defendant has not received a pardon on the ground of innocence for any felony or other qualified offense that is necessary for the operation of this section.

(e) A conviction of a felony, a misdemeanor or other qualified offense necessary to the operation of this section has not been set aside in any post-conviction proceeding.

(2) For the purposes of this section, the placing of a person on probation without an adjudication of guilt shall be treated as a prior conviction if the felony for which he is to be sentenced was committed during the probationary period.

(3) The court, in conformity with the criteria specified in subsection (1), may sentence the convicted felon to the state penitentiary as follows:

- (a) In the case of a felony of the first degree, for life;
- (b) In the case of a felony of the second degree, for a term of years not exceeding 30;
- (c) In the case of a felony of the third degree, for a term of years not exceeding 10.

(4) If the court decides that imposition of sentence under this section is not necessary for the protection of the public, sentence shall be imposed without regard to this section.

(5) A sentence imposed under this section shall not be increased after such imposition.

Section 8. Section 775.086, Florida Statutes, is created to read:

775.086 Subsequent misdemeanor offenders; extended terms.—

(1) The court, after reasonable notice to the parties and opportunity to be heard, may sentence a person who has been convicted of a misdemeanor to an extended term of imprisonment as provided in this section if it finds all the following:

(a) The imposition of sentence under this section is necessary for the protection of the public from further criminal activity by the defendant;

(b) The defendant has at least twice previously been convicted of the same crime committed at different times after the defendant's eighteenth birthday;

(c) The misdemeanor for which the defendant is to be sentenced was committed within two years of the date of the commission of the last prior crime, or within two years of the defendant's release, on parole or otherwise, from a prison sentence or other commitment imposed as a result of a prior conviction for a crime, whichever is later;

(d) The defendant has not received a pardon on the ground of innocence for any crime that is necessary for the operation of this section;

(e) A conviction of a crime necessary to the operation of this section has not been set aside in any post-conviction proceeding.

(2) For the purposes of this section, the placing of a person on probation without an adjudication of guilt shall be treated as a prior conviction if the subsequent misdemeanor for which he is to be sentenced was committed during such probationary period.

(3) The court, in conformity with the criteria specified in subsection (1), may sentence the convicted misdemeanant as follows:

(a) In the case of a misdemeanor of the first degree, for a term of imprisonment not in excess of three years;

(b) In the case of a misdemeanor of the second degree, for a term not in excess of one year.

(4) A sentence imposed under this section shall not be increased after such imposition.

Section 9. Section 775.087, Florida Statutes, is created to read:

775.087 Possession or use of weapon or aggravated battery; felony reclassification; minimum sentence.—

(1) Unless otherwise provided by law, whenever a person is charged with a felony, except a felony in which the use of a weapon or firearm is an essential element, and during the commission of such felony the defendant displayed, used, threatened or attempted to use any weapon or firearm, or during the commission of such felony the defendant committed an aggravated battery, the felony for which the person is charged shall be reclassified as follows:

(a) In the case of a felony of the first degree, to a life felony;

(b) In the case of a felony of the second degree, to a felony of the first degree;

(c) In the case of a felony of the third degree, to a felony of the second degree.

(2) Any person who has been convicted of a felony involving a firearm or destructive device as defined in section 790.001(4) and (6), Florida Statutes, in the courts of this state or the United States, or in any other state, territory, or country if punishable by imprisonment for a term exceeding one year shall, upon subsequent conviction of a felony involving the display, use or attempt to use a firearm or destructive device as defined in section 790.001(4) and (6), serve a minimum term of three years.

Section 10. Section 932.465, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 932.465, F.S., for present text.)

~~932.465~~ 775.15 Time limitations.—

(1) A prosecution for a capital felony may be commenced at any time.

(2) Except as otherwise provided in this section, prosecutions for other offenses are subject to the following periods of limitation:

(a) A prosecution for a life felony or a felony of the first degree must be commenced within four years after it is committed;

(b) A prosecution for any other felony must be commenced within three years after it is committed;

(c) A prosecution for a misdemeanor of the first degree must be commenced within two years after it is committed;

(d) A prosecution for a misdemeanor of the second degree or a violation must be commenced within one year after it is committed.

(3) If the period prescribed in subsection (2) has expired, a prosecution may nevertheless be commenced for:

(a) Any offense, a material element of which is either fraud or a breach of fiduciary obligation, within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; and

(b) Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years from the time he leaves public office or employment or during any time permitted by any other part of this section, whichever time is greater.

(4) An offense is committed either when every element occurs or if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

(5) A prosecution is commenced either when an indictment or information is filed, provided that the capias, summons or other process issued on such indictment or information is executed without unreasonable delay. In determining what is reasonable, inability to locate the defendant after diligent search or the defendant's absence from the state shall be considered. If, however, an indictment or information has been filed within the time period prescribed in this section and the indictment or information is dismissed or set aside because of a defect in its content or form after the time period has elapsed, the period for commencing prosecution shall be extended three months from the time the indictment or information is dismissed or set aside.

(6) The period of limitation does not run during any time when the defendant is continuously absent from the state or has no reasonably ascertainable place of abode or work within the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years.

Section 11. Section 776.011, Florida Statutes, is renumbered and amended to read:

776.011 Principal in first degree.—Whoever commits any criminal offense against the state, whether felony or misdemeanor, or aids, abets, counsels, hires, or otherwise procures

such offense to be committed *and such offense is committed or is attempted to be committed*, is a principal in the first degree and may be charged, convicted and punished as such, whether he is or is not actually or constructively present at the commission of such offense.

Section 12. Section 776.04, Florida Statutes, is renumbered and amended to read:

776.04 Attempts, solicitation, conspiracy, generally.—

(1) Whoever attempts to commit an offense prohibited by law and in such attempt does any act toward the commission of such an offense, but fails in the perpetration, or is intercepted or prevented in the execution of the same, *commits the offense of criminal attempt and shall, when no express provision is made by law for the punishment of such attempt, be punished as follows+ provided in subsection (4).*

(2) *Whoever solicits another to commit an offense prohibited by law and in the course of such solicitation commands, encourages, hires, or requests another person to engage in specific conduct which would constitute such offense or an attempt to commit such offense, commits the offense of criminal solicitation, and shall, when no express provision is made by law for the punishment of such solicitation, be punished as provided in subsection (4).*

(3) *Whoever shall agree, conspire, combine or confederate with another person or persons to commit any offense, commits the offense of criminal conspiracy, and shall, when no express provision is made by law for the punishment of such conspiracy, be punished as provided in subsection (4).*

(4) *Whoever commits the offense of criminal attempt, solicitation, or conspiracy as defined by this section shall be punished as follows:*

~~(1) (a) If the offense attempted, solicited, or conspired to is a capital felony or life felony, the person convicted shall be guilty of a felony of the second first degree, punishable as provided in section 775.082, section 775.083 or section 775.084 chapter 775.~~

~~(2) (b) If the offense attempted, solicited, or conspired to is a life felony or a felony of the first degree or second degree, the person convicted shall be guilty of a felony of the third second degree, punishable as provided in section 775.082, section 775.083, or section 775.084 chapter 775.~~

~~(c) If the offense attempted, solicited or conspired to is a felony of the second degree or any burglary, the person convicted shall be guilty of a felony of the third degree, punishable as provided in chapter 775.~~

~~(3) (d) If the offense attempted, solicited or conspired to is a felony of the third degree, the person convicted shall be guilty of a misdemeanor of the first degree, punishable as provided in sections 775.082 and 775.083 chapter 775.~~

~~(4) (e) If the offense attempted, solicited or conspired to is a misdemeanor of the first or second degree, the person convicted shall be guilty of a misdemeanor of the second degree, punishable as provided in sections 775.082 and 775.083 chapter 775.~~

(5) *It is a defense under this section that, under circumstances manifesting a complete and voluntary renunciation of his criminal purpose, the defendant:*

(a) *abandoned his attempt to commit the offense or otherwise prevented its commission; or*

(b) *after soliciting another person to commit an offense, he persuaded such other person not to do so or otherwise prevented commission of the offense; or*

(c) *after conspiring with one or more persons to commit an offense, he persuaded such persons not to do so or otherwise prevented commission of the offense.*

Section 13. Sections 776.012, 776.021, 776.031, 776.041, 776.05, 776.06, 776.07, and 776.08, Florida Statutes, are created to read:

CHAPTER 776

JUSTIFIABLE USE OF FORCE

776.012 Use of force in defense of person.—A person is justified in the use of force, except deadly force, against an-

other when and to the extent that he reasonably believes that such conduct is necessary to defend himself or another against such other's imminent use of unlawful force. However, he is justified in the use of deadly force only if he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, or to prevent the imminent commission of a forcible felony.

776.021 Use of force in defense of dwelling.—A person is justified in the use of force, except deadly force, against another when and to the extent that he reasonably believes that such conduct is necessary to prevent or terminate such other's unlawful entry into or attack upon a dwelling. However, he is justified in the use of deadly force only if:

(1) The entry is made or attempted without permission, and he reasonably believes that such force is necessary to prevent an assault upon, or offer of personal violence to, him or another then in the dwelling, or

(2) He reasonably believes that such force is necessary to prevent the commission of a felony in the dwelling.

776.031 Use of force in defense of other.—A person is justified in the use of force, except deadly force, against another when and to the extent that he reasonably believes that such conduct is necessary to prevent or terminate such other's trespass on or other tortuous or criminal interference with either real property (other than a dwelling) or personal property, lawfully in his possession or in the possession of another who is a member of his immediate family or household or of a person whose property he has a legal duty to protect. However, he is justified in the use of deadly force only if he reasonably believes that such force is necessary to prevent the imminent commission of a forcible felony.

776.041 Use of force by aggressor.—The justification described in the preceding sections of this chapter is not available to a person who:

(1) Is attempting to commit, committing, or escaping after the commission of, a forcible felony; or

(2) Initially provokes the use of force against himself, unless:

(a) Such force is so great that he reasonably believes that he is in imminent danger of death or great bodily harm, and that he has exhausted every reasonable means to escape such danger other than the use of force which is likely to cause death or great bodily harm to the assailant; or

(b) In good faith, he withdraws from physical contact with the assailant and indicates clearly to the assailant that he desires to withdraw and terminate the use of force, but the assailant continues or resumes the use of force.

776.05 Law enforcement officers; use of force in making an arrest.—A law enforcement officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force, except deadly force, which he reasonably believes to be necessary to effect the arrest and of any force, except deadly force, which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using deadly force only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person, or when he reasonably believes both that:

(1) Such force is necessary to prevent the arrest from being defeated by resistance or escape; and

(2) The person to be arrested has committed or attempted a felony, or is attempting to escape by use of a weapon, or otherwise indicates that he will endanger human life, or inflict great bodily harm unless arrested without delay.

776.051 Use of force in resisting or making an arrest; prohibition.—

(1) A person is not justified in the use of force to resist an arrest by a law enforcement officer who is known, or reasonably appears to be a law enforcement officer.

(2) A law enforcement officer, or any person whom he has summoned or directed to assist him, is not justified in the use

of force if the arrest is unlawful and known by him to be unlawful.

776.06 Deadly force.—Deadly force means force which is likely to cause death or great bodily harm and includes, but is not limited to:

(1) The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and

(2) The firing of a firearm at a vehicle in which the person to be arrested is riding.

776.07 Use of force to prevent escape.—

(1) A law enforcement officer or other person who has an arrested person in his custody is justified in the use of any force which he reasonably believes to be necessary to prevent the escape of the arrested person from custody.

(2) A guard or other law enforcement officer is justified in the use of force, including deadly force, which he reasonably believes to be necessary, to prevent the escape from a penal institution of a person whom the officer reasonably believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.

776.08 Forcible felony.—Forcible felony means treason, murder, manslaughter, forcible rape, forcible sodomy, robbery, burglary, arson, kidnapping, aggravated assault, aggravated battery, aircraft piracy, unlawful throwing, placing or discharging of a destructive device or bomb and other felony which involves the use or threat of physical force or violence against any individual.

Section 14. Section 782.04, Florida Statutes, is amended to read:

782.04 Murder.—

(1) (a) The unlawful killing of a human being, when perpetrated from a premeditated design to effect the death of the person killed or any human being, or when committed by a person engaged in the perpetration of or in the attempt to perpetrate any arson, rape, sodomy, robbery, burglary, kidnapping, aircraft piracy, or unlawful throwing, placing or discharging of a destructive device or bomb, or which resulted from the unlawful distribution of heroin by a person ~~seventeen~~ ⁽¹⁷⁾ ~~eighteen~~ years or older when such drug is proven to be the proximate cause of the death of the user shall be murder in the first degree and shall constitute a capital felony, punishable as provided in ~~section 775.082~~ chapter 775.

(b) In all cases under this section the procedure set forth in section 921.141 shall be followed in order to determine sentence of death or life imprisonment.

(2) ~~The unlawful killing of a human being when perpetrated by any act imminently dangerous to another, and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual or when committed in the perpetration of or in the attempt to perpetrate any arson, rape, robbery, burglary, kidnapping, aircraft piracy, or unlawful throwing, placing or discharging of a destructive device or bomb, except as provided in subsection (1), it shall be murder in the second degree and shall constitute a felony of the first degree, punishable by imprisonment in the state prison for life or for such term of years as may be determined by the court for a term of years not exceeding life or as provided in chapter 775.~~

(3) ~~When a person is killed in the perpetration of or in the attempt to perpetrate any arson, rape, sodomy, robbery, burglary, kidnapping, aircraft piracy or unlawful throwing, placing, or discharging of a destructive device or bomb by a person other than the person engaged in the perpetration of or in the attempt to perpetrate such felony, the person perpetrating or attempting to perpetrate such felony shall be guilty of murder in the second degree which constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in chapter 775.~~

~~(4) The unlawful killing of a human being when perpetrated without any design to effect death, by a person engaged in the perpetration of or in the attempt to perpetrate any felony, other than any arson, rape, sodomy, robbery, burglary, kidnapping, aircraft piracy or unlawful throwing, placing or discharging of a destructive device or bomb, it shall be~~

murder in the third degree and shall constitute a felony of the second degree, punishable as provided in ~~section 775.082, section 775.083, or section 775.084~~ chapter 775.

Section 15. Section 782.07, Florida Statutes, is amended to read:

782.07 Manslaughter.—The killing of a human being by the act, procurement or culpable negligence of another, ~~without lawful justification according to the provisions of chapter 776 and in cases where such killing shall not be justifiable or excusable homicide nor murder, according to the provisions of this chapter, shall be deemed manslaughter and shall constitute a felony of the second degree, punishable as provided in section 775.082, section 775.083, or section 775.084~~ chapter 775.

Section 16. Section 782.071, Florida Statutes, is created to read:

782.071 Vehicular homicide.—“Vehicular homicide” is the killing of a human being by the operation of a motor vehicle by another in a reckless manner likely to cause the death or great bodily harm to another. “Vehicular homicide” is a felony of the third degree punishable as provided in chapter 775.

Section 17. Section 784.02, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 784.02, F.S., for present text.)

784.02 784.011 Assault.—

(1) “Assault” is an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent.

(2) Whoever commits an assault shall be guilty of a misdemeanor of the second degree, punishable as provided in chapter 775.

Section 18. Section 784.04, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 784.04, F.S., for present text.)

784.04 784.021 Aggravated assault.—

(1) “Aggravated assault” is an assault:

- (a) With a deadly weapon without intent to kill; or
- (b) With an intent to commit a felony.

(2) Whoever commits an aggravated assault shall be guilty of a felony of the third degree punishable as provided in chapter 775.

Section 19. Section 784.03, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 784.03, F.S., for present text.)

784.03 Battery.—

(1) A person commits battery if he:

- (a) Actually and intentionally touches or strikes another person against the will of the other; or
- (b) Intentionally causes bodily harm to an individual.

(2) Whoever commits battery shall be guilty of a misdemeanor of the first degree, punishable as provided in chapter 775.

Section 20. Section 784.045, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 784.045, F.S., for present text.)

784.045 Aggravated battery.—

(1) A person who in committing battery:

- (a) Intentionally or knowingly causes great bodily harm, permanent disability or permanent disfigurement; or

(b) Uses a deadly weapon; commits aggravated battery.

(2) Whoever commits aggravated battery shall be guilty of a felony of the second degree, punishable as provided in chapter 775.

Section 21. Section 784.05, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 784.05, F.S., for present text.)

784.05 Culpable negligence.—

(1) Whoever through culpable negligence, exposes another person to personal injury shall be guilty of a misdemeanor of the second degree, punishable as provided in chapter 775.

(2) Whoever through culpable negligence inflicts actual personal injury on another shall be guilty of a misdemeanor of the first degree, punishable as provided in chapter 775.

Section 22. Section 805.02, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 805.02, F.S., for present text.)

805.02 787.01 Kidnapping.—

(1) "Kidnapping" means forcibly, secretly, or by threat confining, abducting or imprisoning another person against his will and without lawful authority with intent to:

(a) Hold for ransom or reward, or as a shield or hostage; or

(b) Commit or facilitate commission of any felony; or

(c) Inflict bodily harm upon or to terrorize the victim or other person; or

(d) Interfere with the performance of any governmental or political function.

(2) Confinement of a child under the age of thirteen (13) is against his will within the meaning of subsection (1) if such confinement is without the consent of his parent or legal guardian.

(3) Whoever kidnaps a person is guilty of a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in chapter 775.

Section 23. Section 805.01, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 805.01, F.S., for present text.)

805.01 787.02 False imprisonment.—

(1) "False imprisonment" means forcibly, by threat, or secretly confining, abducting, imprisoning or restraining another person without lawful authority and against his will with any purpose other than those referred to in section 787.01.

(2) Confinement of a child under the age of thirteen (13) is against his will within the meaning of this section if such confinement is without the consent of his parent or legal guardian.

(3) Whoever commits the offense of false imprisonment shall be guilty of a felony of the third degree, punishable as provided in chapter 775.

Section 24. Section 787.03, Florida Statutes, is created to read:

787.03 Interference with custody.—

(1) Whoever without lawful authority knowingly or recklessly takes or entices any child seventeen (17) years or under or any incompetent person from the custody of his parent, guardian or other lawful custodian, commits the offense of interference with custody and shall be guilty of a misdemeanor of the first degree, punishable as provided in chapter 775.

(2) It is a defense that:

(a) The defendant reasonably believes that his action was necessary to preserve the child or the incompetent person from danger to his welfare; or

(b) The child or incompetent person was taken away at his own instigation without enticement and without purpose to commit a criminal offense with or against the child.

(3) Proof that a child was seventeen (17) years or under creates the presumption that the defendant knew the child's age or acted in reckless disregard thereof.

Section 25. Section 805.03, Florida Statutes, is renumbered and amended to read:

~~805.03~~ 787.04 Felony to remove children from state contrary to court order.—

(1) It is unlawful for any person, in violation of a court order, to lead, take, entice or remove a child beyond the limits of this state with personal knowledge of the order.

(2) It is unlawful for any person, with criminal intent, to lead, take, entice or remove a child beyond the limits of this state during the pendency of any action or proceedings affecting custody of a child after having received notice as required by law of the pendency of the action or proceeding, without the permission of the court in which the action or proceeding is pending.

(3) It is unlawful for any person, who has carried beyond the limits of this state any child whose custody is involved in any action or proceeding pending in this state, pursuant to the order of the court in which the action or proceeding is pending, or pursuant to the permission of the court, thereafter, to fail to produce the child in the court or deliver the child to the person designated by the court.

(4) Any person convicted of a violation of this law shall be guilty of a felony of the third degree, punishable as provided in ~~section 775.082, section 775.083 or section 775.084~~ chapter 775.

Section 26. Section 806.01, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 806.01, F.S., for present text.)

806.01 Arson.—

(1) Any person who wilfully and maliciously by fire or explosive damages any structure whether the property of himself or another knowing or having reason to know that a human being is in the structure shall be guilty of arson in the first degree which constitutes a felony of the first degree, punishable as provided in chapter 775.

(2) Any person who wilfully and maliciously by fire or explosive damages any structure, whether the property of himself or another under any circumstances not referred to in subsection (1) shall be guilty of arson in the second degree which constitutes a felony of the second degree, punishable as provided in chapter 775.

(3) "Structure" means any building of any kind and any enclosed area with a roof over it, vehicle, vessel or aircraft.

Section 27. Section 806.02, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 806.02, F.S., for present text.)

806.02 Criminal mischief.—

(1) A person commits the offense of criminal mischief if he wilfully and maliciously injures or damages by any means any real or personal property belonging to another.

(2) (a) If the damage to such property is two hundred dollars (\$200) or less, it is a misdemeanor of the second degree, punishable as provided in chapter 775.

(b) If the damage to such property is greater than two hundred dollars (\$200) but less than \$1,000, it is a misdemeanor of the first degree, punishable as provided in chapter 775.

(c) If the damage is \$1,000 or greater or if there is interruption or impairment of a business operation, public communication, transportation, supply of water, gas or power or other public service which costs \$1,000 or more in labor and supplies to restore, it is a felony of the third degree, punishable as provided in chapter 775.

Section 28. Section 806.10, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 806.10, F.S., for present text.)

806.10 Preventing or obstructing extinguishment of fire.—

(1) Any person who wilfully and maliciously injures, destroys, removes, or in any manner interferes with the use of any vehicles, tools, equipment, water supplies, hydrants, towers, buildings, communication facilities, or any other instruments or facilities used in the detection, reporting, suppression, or extinguishment of fire shall be guilty of a felony of the third degree, punishable as provided in chapter 775.

(2) Any person who wilfully or unreasonably interferes with, hinders, or assaults or attempts to interfere with or hinder any fire fighter in the performance of his duty shall be guilty of a felony of the third degree, punishable as provided in chapter 775.

Section 29. Subsection (1) of section 806.111, Florida Statutes, is amended to read:

806.111 Fire bombs.—

(1) Every person who possesses, manufactures or disposes of a fire bomb with intent that such fire bomb be wilfully and maliciously used to set fire to or burn any building or property is guilty of a felony of the third degree, punishable as provided in ~~section 775.082, section 775.082, or section 775.084~~ chapter 775.

Section 30. Section 810.011, Florida Statutes, is created to read:

810.011 Definitions.—As used in this chapter:

(1) "Structure" means any building of any kind either temporary or permanent which has a roof over it together with the curtilage thereof.

(2) "Conveyance" means any motor vehicle, ship, vessel, railroad car, trailer, aircraft or sleeping car and to enter a conveyance includes taking apart any portion of the conveyance.

(3) An act is committed "In the course of committing" if it occurs in an attempt to commit the offense or in flight after the attempt or commission.

(4) "Posted land" is that land upon which signs are placed not more than five hundred feet apart along, and at each corner of, the boundaries of the land, upon which signs there shall appear prominently, in letters of not less than two inches in height, the words "no trespassing" and in addition thereto shall appear the name of the owner, lessee, or occupant of said land. Said signs shall be placed along the boundary line of posted land in a manner and in such position as to be clearly noticeable from outside of the boundary line. It shall not be necessary to give notice by poster on any land or place not exceeding five acres on which there is a dwelling house in order to obtain the benefits of the statutes of this state prohibiting trespass.

(5) "Cultivated land" is that land which has been cleared of its natural vegetation and is presently planted with a crop, orchard, grove, pasture, or trees or is fallow land as part of a crop rotation.

(6) "Fenced land" is that land which has been enclosed by a fence of substantial construction, whether with rails, logs, post and railing, iron, steel, barbed wire, or other wire, or other material, which stands at least three (3) feet in height. For the purpose of this chapter it shall not be necessary to fence any boundary or part of a boundary of any land which shall be formed by water.

(7) Where lands are posted, cultivated or fenced as described herein then said lands for the purpose of this chapter shall be considered as enclosed and posted.

Section 31. Section 810.02, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 810.02, F.S., for present text.)

810.02 Burglary.—

(1) Burglary means entering or remaining in a structure or a conveyance with the intent to commit an offense therein, un-

less the premises are at the time open to the public or the defendant is licensed or invited to enter or remain.

(2) Burglary is a felony of the first degree, punishable by imprisonment for a term of years not exceeding life imprisonment or as provided in chapter 775, if in the course of committing the offense, the offender:

(a) Makes an assault upon any person; or

(b) Is armed or arms himself within such structure with explosives or a dangerous weapon.

(3) If the offender does not make an assault or is not armed or does not arm himself with a dangerous weapon or explosive as aforesaid during the course of committing the offense and the structure entered is a dwelling or there is a human being in the structure or conveyance at the time the offender entered or remained in the structure or conveyance, the burglary is a felony of the second degree, punishable as provided in chapter 775. Otherwise, burglary is a felony of the third degree, punishable as provided in chapter 775.

Section 32. Section 810.06, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 810.06, F.S., for present text.)

810.06 Possession of burglary tools.—Whoever has in his possession any tool, machine, or implement with intent to use the same or allow the same to be used to commit any burglary or trespass shall be guilty of a felony of the third degree, punishable as provided in chapter 775.

Section 33. Section 810.07, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 810.07, F.S., for present text.)

810.07 Prima facie evidence of intent.—In a trial on the charge of burglary, proof of the entering of such structure or conveyance at any time stealthily and without consent of the owner or occupant thereof, shall be prima facie evidence of entering with intent to commit an offense.

Section 34. Section 810.08, Florida Statutes, is created to read:

810.08 Trespass in structure or conveyance.—A person trespasses if he wilfully enters any structure or conveyance of another without being authorized, licensed or invited. An offense under this section is a misdemeanor of the first degree, punishable as provided in chapter 775, if:

(1) The offender is armed or arms himself while in the structure or conveyance; or

(2) There is a human being in the structure or conveyance at the time the offender trespassed, attempted to trespass or was in the structure or conveyance. Otherwise, it is a misdemeanor of the second degree, punishable as provided in chapter 775.

Section 35. Section 810.09, Florida Statutes, is created to read:

810.09 Trespass on property other than structure or conveyance.—

(1) A person commits an offense if without being authorized, licensed or invited, he wilfully enters upon or remains in any property other than a structure or conveyance as to which notice against entering or remaining is given by:

(a) Actual communication to the defendant; or

(b) Posting, fencing or cultivation as prescribed in section 810.011.

(2) An offense under this subsection is a misdemeanor of the first degree, punishable as provided in chapter 775, if:

(a) The offender defies an order to leave personally communicated to him by the owner of the premises or other authorized person; or

(b) The offender wilfully opens any door, fence or gate or does any other act which exposes animals, crops or other property to waste, destruction or freedom. Otherwise, it is a misde-

meanor of the second degree, punishable as provided in chapter 775.

Section 36. Section 821.071, Florida Statutes, is renumbered and amended to read:

~~821.071~~ 810.10 Posted land; removing notices unlawful; penalty.—

(1) It is unlawful for any person to wilfully remove, destroy, mutilate or commit any act designed to remove, mutilate or reduce the legibility or effectiveness of any posted notice placed by the owner, tenant, lessee, or occupant of legally enclosed or legally posted land pursuant to any law of this state for the purpose of legally enclosing the same.

(2) Any person violating the provisions of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in ~~section 775.082 or section 775.083~~ chapter 775.

Section 37. Section 821.02, Florida Statutes, is renumbered and amended to read:

~~821.02~~ 810.11 Placing signs adjacent to highways; penalty.—

(1) All persons are prohibited from placing, posting or erecting signs upon land or upon trees upon land adjacent to or adjoining all public highways of the state, without the written consent of the owner of such land, or the written consent of the attorney or agent of such owner.

(2) Every person convicted of a violation of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in ~~section 775.082 or section 775.083~~ chapter 775.

Section 38. Section 813.011, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 813.011, F.S., for present text)

811.011 ~~813.011~~ Robbery.—

(1) "Robbery" means the taking of money or other property which may be the subject of larceny from the person or custody of another by force, violence or assault or putting in fear.

(2) (a) If in the course of committing the robbery the offender carried a firearm or other deadly weapon, then the robbery is a felony of the first degree, punishable by imprisonment for a term of years not exceeding life imprisonment or as provided in chapter 775.

(b) If in the course of committing the robbery the offender carried a weapon, then the robbery is a felony of the first degree, punishable as provided in chapter 775.

(c) If in the course of committing the robbery the offender carried no firearm, deadly weapon, or other weapon, then the robbery is a felony of the second degree.

(3) An act shall be deemed "in the course of committing the robbery" if it occurs in an attempt to commit robbery or in flight after the attempt or commission.

Section 39. Section 812.011, Florida Statutes, is created to read:

812.011 Definitions.—

(1) "Property" means anything of value, including but not limited to real estate, tangible and intangible personal property, contract rights, evidence of debt, choses-in action and other interest in or claims to wealth, admission or transportation tickets, animals, food and drink, gas, water, electric and other power and telephone service.

(2) "Value" equals fair market value of property;

(3) "Motor vehicle" means automobiles, motorcycles, motor trucks, mobile homes, trailer coaches, house trailers, camper type mobile homes mounted and transported wholly upon the body of a self-propelled vehicle, any type of trailer or vehicle body without independent motive power drawn by or carried upon a self-propelled vehicle, designed for and used either as a

means of transporting persons or property over the public streets and highways or for furnishing housing accommodations, or both, and all other vehicles operated over the public highways and streets of this state and propelled by power other than muscular power, but does not include traction engines, road rollers, or vehicles that run on a track.

(4) "Aircraft" means aircraft as defined in section 330.01.

(5) "Boat" means vessel as defined in section 371.021.

(6) "Boat motor" means any motor-driven device used for propelling a boat.

(7) "Public servant" means any public officer, agent, or employee of government, whether elected or appointed, including any executive, legislative or judicial officer, and any person participating as a special master, receiver, auditor, juror, arbitrator, umpire, referee, consultant, hearing examiner, or otherwise, in performing a governmental function; but the term does not include witnesses. Such term shall include a candidate for election to any such office including the time prior to the election, the time after he is elected and the time after he has qualified. It shall include any person appointed to any of the foregoing offices or employments before and after he qualifies.

(8) "Steal or Stolen" means to commit or have committed larceny.

Section 40. Section 811.021, Florida Statutes, is renumbered and amended to read:

~~811.021~~ 812.021 Larceny defined; penalties; sufficiency of indictment, information or warrant.—

(1) A person who with intent to *unlawfully* deprive or defraud the true owner of his ~~real or personal~~ property or of the use and benefit thereof, or to appropriate the same to the use of the taker or of any other person:

(a) Takes from the possession of the true owner, or of any other person; or obtains from such person possession by color or aid of fraudulent or false representations or pretense, or of any false token or writing; or obtains the signature of any person to a written instrument, the false making whereof would be punishable as forgery; or secretes, withholds, or appropriates to his own use, or that of any other than the true owner, any ~~money, personal property, goods and chattels, thing in action, evidence of debt, contract, or property, or article of value of any kind; or~~

(b) Having in his possession, custody or control, as a broker, bailee, public servant, attorney, agent, employee, clerk, trustee, or officer of any person, association, or corporation, member of co-partnership, pool or joint adventure or as a person authorized by agreement, or by competent authority, to hold or take such possession, custody, or control, any ~~money, personal thing or action, goods and chattels, evidence of debt, contract, property, or article of value of any kind, appropriates the same to his own use, or that of any other person other than the true owner or person entitled to the benefit thereof; or~~

(c) While acting as executor, administrator, committee, guardian, receiver, collector or trustee of any description, appointed by a deed, will, or other instrument, or by an order or judgment of a court or officer, secretes, withholds or otherwise appropriates to his own use, or that of any person other than the true owner, or person entitled thereto, any ~~money, personal property, goods and chattels, thing in action, evidence of debt, contract, property or article of value of any kind, in his possession or custody by virtue of his office, employment or appointment; or~~

(d) Takes unpurchased merchandise of any mercantile establishment on the premises of such establishment with the intent to convert the same to personal use without paying the purchase price therefor; or

(e) Obtains property of another by threatening to:

1. accuse anyone of a criminal offense; or
2. expose any secret tending to subject any person to hatred, contempt or ridicule, or to impair his credit or business repute; or
3. take or withhold action as a public servant; or
4. bring about or continue a strike, boycott or other collective unofficial action, if the property is not demanded or re-

ceived for the benefit of the group in whose interest the defendant purports to act; or

5. testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(f) Fails to take reasonable measures to restore property which he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient after he comes into control of such property; shall, upon conviction, be guilty of larceny.

(2) If the property stolen is:

(a) of the value of one hundred dollars or more; ; or if,

(b) as part of a common scheme or design to defraud, property of the aggregate value of two hundred dollars or more is taken in any twelve consecutive month period by an agent, servant or employee from his principal or employer by a series or combination of any of the acts denounced in this section, as part of a common scheme or design to defraud; or

(c) a will, codicil or other testamentary instrument; or

(d) a firearm; or

(e) a motor vehicle; or

(f) any member of the genera bos (cattle) or equus (horse); or any hybrid of the specified genus.

the offender shall be deemed guilty of grand larceny which constitutes a felony of the third degree, punishable as provided in ~~section 775.082, section 775.083, or section 775.084~~ chapter 775, unless the offender is a public servant who used his official position to commit the offense or in the course of committing the offense stole public property or property which the duty of his office required him to receive and hold, in which case the offender shall be guilty of a felony of the second degree, punishable as provided in chapter 775.

(3) If the value of the property stolen is less than one hundred dollars, the offender shall be guilty of Larceny of property not described within subsection (2) is petit larceny, which constitutes a misdemeanor of the second degree, punishable as provided in ~~section 775.082 or 775.083~~ chapter 775. Upon a second conviction of petit larceny, the offender shall be guilty of a misdemeanor of the first degree, punishable as provided in ~~section 775.082 or section 775.083~~ chapter 775. Upon a third or subsequent conviction of the offense of petit larceny, the offender shall be guilty of a felony of the third degree, punishable as provided in ~~section 775.082, section 775.083, or section 775.084~~ chapter 775.

(4) Hereafter it shall not be a defense to a prosecution for larceny, or for an attempt, solicitation or for conspiracy to commit the same, or for being accessory thereto, that the purpose for which the owner was induced by color of or aid of fraudulent or false representation or pretense, or of any false token or writing, to part with his property or the possession thereof, was illegal, immoral or unworthy.

(5) It shall be sufficient for any indictment, information, or warrant returned, filed or issued under this section to charge generally that the defendant at the time and in the county specified, did steal the personal or real property, thing in action, evidence of debt or contract or article of value out of which the prosecution arose, describing the same in general terms and alleging generally the ownership and value thereof. It shall not be necessary when alleging the larceny of property over a period of time that the exact date or dates the property was taken be alleged but instead the total period of time may be alleged generally. This section shall not be construed as intending to interfere with the power of the court to require the state to furnish the defendant with a bill of particulars in proper cases and on sufficient showing that cause exists for the same.

~~(6) Nothing in this section shall be construed as in any way altering, modifying or repealing the following statutes or any part thereof: section 706.10, 811.03, 811.04, 812.10, 812.12, 821.10, 821.22 and 821.23.~~

(6) The failure, neglect, omission or refusal of any public servant to pay over or deliver any money, property, or effects to any official or person authorized or having the right by law to receive the same, for more than thirty days after the same has been collected or received by him, shall be prima facie evidence of the conversion to one's own use, or the secreting with

intent to convert to one's own use, or the withholding with the intent to convert to one's own use the said money, property or effects.

Section 41. Section 811.16, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 811.16, Florida Statutes, for present text.)

~~811.16~~ 812.031 Receiving stolen property.—

(1) Whoever intentionally receives, retains, disposes or aids in concealment of any stolen property of another without consent of the owner or person entitled to possession, knowing that it has been stolen, or under such circumstances as would induce a reasonable man to believe that the property was stolen, commits an offense.

(2) If the property received is:

(a) property of the value of one hundred dollars or more; or

(b) a will, codicil or other testamentary instrument; or

(c) a firearm; or

(d) a motor vehicle; or

(e) any member of the genera bos (cattle) or equus (horse); or any hybrid of the specified genus.

the offender shall be deemed guilty of a felony of the third degree, punishable as provided in chapter 775.

(3) If the property received is not described in subsection (2) above, the offender shall be deemed guilty of a misdemeanor of the second degree, punishable as provided in chapter 775.

(4) It shall not be necessary on the trial of the crime of receiving stolen property to prove that the person who stole the property has been convicted.

(5) In determining the value of the property received the aggregate value of all stolen property found in possession of the offender shall be used for the purposes of this section.

Section 42. Section 814.04, Florida Statutes, is renumbered and amended to read:

~~814.04~~ 812.041 Unauthorized temporary use of motor vehicle, aircraft, boat or boat motor.—

(1) Any person who temporarily uses any motor vehicle, aircraft, boat, or boat motor without the authority of the owner or his representative, or who shall knowingly be a party to such unauthorized use, shall, upon conviction, be guilty of a misdemeanor of the first degree, punishable as provided in ~~section 775.082 or section 775.083~~ chapter 775.

(2) Nothing in this section shall be construed to apply to any case in which the taking of the property of another is with intent to steal the same or in which the taking is under a claim of right or with the presumed consent of the owner or other person having the legal control, care, or custody of the same.

Section 43. Subsection (2) of section 811.165, Florida Statutes, is renumbered and amended to read:

~~811.165~~ 812.051 Record of purchases and sales required of junk dealers and persons dealing in secondhand goods.—

(2) A failure to keep the records required under this section and for the period of time required shall be a misdemeanor of the first degree, punishable as provided in ~~section 775.082 or section 775.083~~ chapter 775.

Section 44. Section 799.01, Florida Statutes, is renumbered and amended to read:

~~799.01~~ 826.01 Bigamy; punishment.—Whoever, having a husband or wife living, marries another person, or continues to cohabit with such second husband or wife in this state, shall (except in the cases mentioned in section 799.02 section 826.02) be guilty of a felony of the third degree, punishable as provided in ~~section 775.082, section 775.083 or section 775.084~~ chapter 775.

Section 45. Section 799.02, Florida Statutes, is renumbered and amended to read:

~~799.03 826.02~~ Exceptions.—The provisions of ~~section 799.01~~ ~~section 826.01~~ shall not extend to any person who reasonably believes that the prior spouse is dead; ~~whose husband or wife has been continually remaining beyond sea, or to a person whose prior spouse has voluntarily deserted the other him and remained absent for the space of three years continuously, the party marrying again not knowing the other to be living within that time; nor to any person whose bonds of matrimony have been dissolved; or to a person who violates its provisions because a domestic or foreign court has entered an invalid judgment purporting to terminate or annul the prior marriage and the defendant does not know that judgment to be invalid; or to any person who reasonably believes that he is legally eligible to remarry.~~

Section 46. Section 799.03, Florida Statutes, is renumbered and amended to read:

~~799.03 826.03~~ Knowingly marrying husband or wife of another.—Whoever knowingly marries the husband or wife of another person knowing him or her to be the spouse of another person shall be guilty of a felony of the third degree, punishable as provided in ~~section 775.082, section 775.083 or section 775.084~~ chapter 775.

Section 47. Section 826.04, Florida Statutes, is created to read:

826.04 Incest.—Whoever knowingly marries or has sexual intercourse with a person to whom he is related by lineal consanguinity, or a brother, sister, uncle, aunt, nephew, or niece commits incest which constitutes a felony of the third degree, punishable as provided in chapter 775. "Sexual intercourse" is the penetration of the female sex organ by the male sex organ, however slight; emission of semen is not required.

Section 48. Section 827.01, Florida Statutes, is created to read:

827.01 Definitions.—As used in this section:

(1) "Child" means any person under the age of eighteen (18) years.

(2) "Placement" means the giving or transferring of possession or custody of a child, by any person to another person, for adoption or with intent or purpose of surrendering the control of the child.

(3) "Torture" means every act, omission or neglect whereby unnecessary or unjustifiable pain or suffering is caused.

Section 49. Section 828.04, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 828.04, F.S., for present text.)

827.03 Aggravated child abuse.—Whoever:

- (1) Commits aggravated battery on a child; or
- (2) Wilfully tortures a child; or
- (3) Maliciously punishes a child; or
- (4) Wilfully and unlawfully cages a child;

shall be guilty of a felony of the second degree, punishable as provided in chapter 775.

Section 50. Section 827.04, Florida Statutes, is created to read:

827.04 Child abuse.—

(1) Whoever wilfully or by culpable negligence deprives a child of or allows a child to be deprived of necessary food, clothing, shelter and medical treatment or who knowingly or by culpable negligence or permits the physical or mental health of the child to be materially endangered and in so doing causes great bodily harm, permanent disability or permanent disfigurement to such child shall be guilty of a felony of the third degree, punishable as provided in chapter 775.

(2) Whoever wilfully or by culpable negligence deprives a child of or allows a child to be deprived of necessary food, clothing, shelter and medical treatment or who knowingly or by culpable negligence or permits the physical or mental health of the child to be materially endangered shall be guilty of a misde-

meanor of the first degree, punishable as provided in chapter 775.

Section 51. Section 828.042, Florida Statutes, is renumbered and amended to read:

~~828.042 827.05~~ Negligent treatment of children.—Whoever negligently deprives a child of or allows a child to be deprived of necessary food, clothing, or shelter, or medical treatment any person under the age of sixteen years, and who ever negligently and without malice deprives of necessary sustenance or raiment, or negligently and without malice deprives of necessary treatment and attention his child or ward, is guilty of a misdemeanor of the second degree, punishable as provided in ~~section 775.082 or section 775.083~~ chapter 775.

Section 52. Section 827.06, Florida Statutes, is created to read:

827.06 Persistent nonsupport.—

(1) Any person who, after notice, fails to provide support which he is able to provide to children or spouse which he knows he is legally obligated to support and over which no court has jurisdiction in any proceedings for child support or dissolution of marriage, shall be guilty of a misdemeanor of the first degree, punishable as provided in chapter 775.

(2) Prior to commencing prosecution under this section, the state attorney must advise the person responsible for support by certified mail, return receipt requested that a prosecution under this section will be commenced against him unless he makes such delinquent support payments or provides a satisfactory explanation as to why he has not made such payments.

Section 53. Section 837.011, Florida Statutes, is created to read:

837.011 Definitions.—In this chapter, unless a different meaning plainly is required:

(1) "Official proceeding" means a proceeding heard or which may be or is required to be heard before any legislative, judicial, administrative or other governmental agency or official authorized to take evidence under oath, including any referee, master in chancery, hearing examiner, commissioner, notary or other person taking testimony or deposition in connection with any such proceeding.

(2) "Oath" includes affirmation or any other form of attestation required or authorized by law by which a person acknowledges that he is bound in conscience or law to testify truthfully in an official proceeding or other official matter.

(3) "Material matter" means any subject, regardless of its admissibility under the rules of evidence which could affect the course or outcome of the proceeding. Whether a matter is material in a given factual situation is a question of law.

Section 54. Section 837.01, Florida Statutes, is renumbered and amended to read:

(Substantial rewording of section. See section 837.01, F.S., for present text.)

~~837.01~~837.012 Perjury not in an official proceeding.—

(1) Whoever makes a false statement, which the maker does not believe to be true, under oath, not in an official proceeding, in regard to any material matter shall be guilty of a misdemeanor of the first degree, punishable as provided in chapter 775.

(2) Knowledge of the materiality of the statement is not an element of this crime, and the defendant's mistaken belief that his statement was not material is not a defense.

Section 55. Section 837.02, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 837.02, F.S., for present text.)

837.02 Perjury in official proceedings.—

(1) Whoever makes a false statement, which the maker does not believe to be true, under oath in an official proceeding in regard to any material matter shall be guilty of a felony of the third degree, punishable as provided in chapter 775.

(2) Knowledge of the materiality of the statement is not an element of this crime, and the defendant's mistaken belief that his statement was not material is not a defense.

Section 56. Subsection (1) of section 837.021, Florida Statutes, is amended to read:

837.021 Perjury by contradictory statements.—

(1) Whoever, in one or more trials, hearings, investigations, depositions, or affidavits, official proceedings in which the making of statements under oath or affirmation is required or authorized by law, wilfully makes two or more material statements under oath or affirmation, when in fact two or more of the statements contradict each other, is guilty of a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084 chapter 775. The prosecution may proceed in a single count by setting forth the wilful making of inconsistent statements under oath or affirmation pursuant to requirement or authorization of law and alleging in the alternative that one or more of them are false.

Section 57. Section 837.05, Florida Statutes, is created to read:

837.05 False reports to law enforcement authorities.—Whoever knowingly gives false information to any law enforcement officer concerning the alleged commission of any crime is guilty of a misdemeanor of the first degree, punishable as provided in chapter 775.

Section 58. Section 837.06, Florida Statutes, is created to read:

837.06 False official statements.—Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in chapter 775.

Section 59. Section 838.014, Florida Statutes, is created to read:

838.014 Definitions.—For the purposes of this chapter, unless a different meaning plainly is required:

(1) "Benefit" means gain or advantage, or anything regarded by the person to be benefited as a gain or advantage, including the doing of an act beneficial to any person in whose welfare he is interested;

(2) "Pecuniary benefit" is benefit in the form of any commission, gift, gratuity, property, commercial interests or any other thing of economic value;

(3) "Harm" means loss, disadvantage or injury to the person affected, including loss, disadvantage or injury to any other person with whose welfare he is interested.

(4) "Public servant" means any public officer, agent, or employee of government, whether elected or appointed, including but not limited to any executive, legislative or judicial officer; any person who holds an office or position in a political party or political party committee, whether elected or appointed; and any person participating as a special master, receiver, auditor, juror, arbitrator, umpire, referee, consultant, hearing examiner, or person acting on behalf of any of these in performing a governmental function; but the term does not include witnesses. Such term shall include a candidate for election or appointment to any such office including any individual who seeks or intends to occupy any such office. It shall include any person appointed to any of the foregoing offices or employments before and after he qualifies.

(5) "Government" includes the state government and any city or county government or any branch, political subdivision or agency of the state, county or city government;

(6) "Corruptly" means done with a wrongful intent and for the purpose of obtaining or compensating or receiving compensation for any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his public duties.

Section 60. Sections 838.015 and 838.016, Florida Statutes, are created to read:

838.015 Bribery.—

(1) "Bribery" means corruptly to give, offer or promise to any public servant, or if a public servant, corruptly to request,

solicit, accept or agree to accept for himself or another, any pecuniary or other benefit with an intent or purpose to influence the performance of any act or omission which the person believes to be or the public servant represents as being within the official discretion of a public servant or in violation of a public duty or in performance of a public duty.

(2) Prosecution under this section shall not require any allegation or proof that the public servant ultimately sought to be unlawfully influenced was qualified to act in the desired way, or that he had assumed office, or that the matter was properly pending before him or might by law properly be brought before him or that he possessed jurisdiction over the matter, or that his official action was necessary to achieve the person's purpose.

(3) Any person who commits bribery is guilty of a felony in the third degree, punishable as provided in chapter 775.

838.016 Unlawful compensation or reward for past official behavior.—

(1) It is unlawful for any person corruptly to give, offer, or promise to any public servant, or if a public servant, corruptly to request, solicit, accept or agree to accept any pecuniary or other benefit not authorized by law for the past performance of any act or omission which the person believes to have been or the public servant represents as having been either within the official discretion of the public servant or in violation of a public duty, or in performance of a public duty. Provided that nothing herein shall be construed so as to preclude a public servant from accepting rewards for services performed in apprehending any criminal.

(2) It is unlawful for any person corruptly to give, offer, or promise to any public servant, or if a public servant, corruptly to request, solicit, accept or agree to accept any pecuniary or other benefit not authorized by law for the past exertion of any influence upon or with any other public servant regarding any act or omission which the person believes to have been or which is represented to him as having been either within the official discretion of the other public servant or in violation of a public duty or in performance of a public duty.

(3) Prosecution under this section shall not require that the exercise of influence or official discretion, or violation of a public duty or performance of a public duty for which a pecuniary or other benefit was given, offered, promised, requested, or solicited, was accomplished or was within the influence, official discretion, or public duty of the public servant whose action or omission was sought to be rewarded or compensated.

(4) Whoever violates the provisions of this section shall be guilty of a felony of the third degree, punishable as provided in chapter 775.

Section 61. Section 838.021, Florida Statutes, is created to read:

838.021 Corruption by threat against public servant.—

(1) Whoever unlawfully harms or threatens unlawful harm to any public servant, to his immediate family, or to any other person with whose welfare he is interested with the intent or purpose:

(a) To influence the performance of any act or omission which the person believes to be or the public servant represents as being within the official discretion of the public servant or in violation of a public duty or in performance of a public duty.

(b) To cause or induce him to use or exert or procure the use or exertion of any influence upon or with any other public servant regarding any act or omission which the person believes to be or the public servant represents as being within the official discretion of the public servant or in violation of a public duty or in performance of a public duty.

(2) Prosecution under this section shall not require any allegation or proof that the public servant ultimately sought to be unlawfully influenced was qualified to act in the desired way, or that he had assumed office, or that the matter was properly pending before him or might by law properly be brought before him or that he possessed jurisdiction over the matter, or that his official action was necessary to achieve the person's purpose.

(3)(a) Whoever unlawfully harms any public servant or any other person with whose welfare he is interested shall be guilty of a felony of the second degree, punishable as provided in chapter 775.

(b) Whoever threatens unlawful harm to any public servant or to any other person with whose welfare he is interested shall be guilty of a felony of the third degree, punishable as provided in chapter 775.

Section 62. Section 838.031, Florida Statutes, is created to read:

838.031 Official misconduct.—

(1) "Official misconduct" means the commission of one of the following acts by a public servant, with corrupt intent to obtain a benefit for himself or another or to cause unlawful harm to another:

(a) Knowingly refraining or causing another to refrain from performing a duty imposed upon him by law; or

(b) Knowingly falsifying or causing another to falsify any official record or official document; or

(c) Knowingly violating or causing another to violate any statute or lawfully adopted regulation or rule relating to his office.

(2) Official misconduct under this section is a felony of the third degree, punishable as provided in chapter 775.

(3) "Corrupt" means done with knowledge that act is wrongful and with improper motives.

Section 63. Section 838.041, Florida Statutes, is created to read:

838.041 Misuse of confidential information.—Any public servant, who in contemplation of official action by himself or by a governmental unit with which he is associated, or in reliance on information to which he has access in his official capacity and which has not been made public, commits any of the following acts:

(a) The acquisition of a pecuniary interest in any property, transaction, or enterprise or gaining of any pecuniary or other benefit which may be affected by such information or official action; or

(b) Speculation or wagering on the basis of such information or action; or

(c) Aiding another to do any of the foregoing; shall be guilty of a misdemeanor of the first degree, punishable as provided in chapter 775.

Section 64. Whenever any reference is made in the Florida Statutes to an offense being punishable as provided by a specific section or sections of chapter 775, it shall be changed to read "punishable as provided in chapter 775."

Section 65. Section 776.03, Florida Statutes, is renumbered as section 777.03, Florida Statutes; sections 779.01, 779.02, 779.03, 779.04, 779.05, 779.06, 779.07, 779.08, 779.09, 779.10, 779.11, 779.12, 779.13, 779.14, 779.15, 779.16, 779.17, 779.18, 779.19, 779.20, and 779.21, Florida Statutes, are renumbered respectively as sections 876.32, 876.33, 876.34, 876.35, 876.36, 876.37, 876.38, 876.39, 876.40, 876.41, 876.42, 876.43, 876.44, 876.45, 876.46, 876.47, 876.48, 876.49, 876.50, 876.51, and 876.52, Florida Statutes; section 806.06, Florida Statutes, is renumbered as section 817.60, Florida Statutes; section 811.022, Florida Statutes, is renumbered as section 901.27, Florida Statutes; sections 811.165 and 811.201, Florida Statutes, are renumbered respectively as sections 812.051 and 812.061, Florida Statutes; section 814.05, Florida Statutes, is renumbered as section 322.274, Florida Statutes; section 814.07, Florida Statutes, is renumbered as section 319.36, Florida Statutes; section 823.03, Florida Statutes, is renumbered as section 806.101, Florida Statutes; section 828.041, Florida Statutes, is renumbered as section 827.07, Florida Statutes; and section 828.201, Florida Statutes, is renumbered as section 827.08, Florida Statutes.

Section 66. Sections 741.22, 775.11, 775.12, 782.01, 782.02, 782.05, 784.06, 800.04, 806.03, 806.04, 806.05, 806.061, 806.07, 806.08, 806.09, 806.11, 806.12, 810.01, 810.03, 810.04, 810.05, 810.051, 811.03, 811.04, 811.163, 811.17, 811.28, 811.29, 811.30, 812.10, 812.12, 814.01, 814.02, 814.03, 814.06, 821.01, 821.011, 821.03,

821.04, 821.041, 821.05, 821.04, 821.08, 821.09, 821.10, 821.11, 821.12, 821.121, 821.13, 821.14, 821.15, 821.17, 821.18, 821.18, 821.19, 821.20, 821.21, 821.22, 821.221, 821.23, 821.24, 821.25, 821.26, 821.27, 821.28, 821.29, 821.30, 821.31, 821.32, 821.33, 821.34, 821.35, 821.37, 821.38, 822.01, 822.02, 822.03, 822.04, 822.05, 822.06, 822.07, 822.08, 822.09, 822.10, 822.11, 822.12, 822.13, 822.14, 822.15, 822.16, 822.17, 822.18, 822.19, 822.20, 822.21, 822.22, 822.23, 823.01, 823.02, 823.04, 823.041, 823.05, 823.06, 823.07, 823.08, 823.09, 823.10, 828.01, 828.06, 828.07, 828.08, 828.10, 828.11, 828.18, 828.19, 828.20, 828.21, 833.03, 833.04, Florida Statutes, 833.05, Florida Statutes, 837.01, 837.03, 837.04, 838.01, 838.011, 838.012, 838.013, 838.02, 838.03, 838.04, 838.05, 838.06, 838.07, 838.071, 838.08, 838.09, 838.10, 851.01, 851.02, 851.03, and 851.04, Florida Statutes, are repealed.

Section 67. This act shall take effect July 1, 1975.

Conference Committee Amendment 2—On page 1, line 3 through page 8, line 30 strike all of the title and insert:

A bill to be entitled An act relating to criminal law; creating section 775.011, Florida Statutes, providing for title and applicability; creating section 775.012, Florida Statutes, providing for general purposes; creating section 775.021, Florida Statutes, providing for rules of construction; amending section 775.08, Florida Statutes, providing for classes and definitions of offenses; amending section 775.082, Florida Statutes, providing for penalties; amending section 775.083, Florida Statutes, relating to fines; amending section 775.084, Florida Statutes, relating to subsequent felony offenses; creating section 775.086, Florida Statutes, relating to extended terms for subsequent misdemeanors; creating section 775.087, Florida Statutes, relating to felony reclassification for possession of weapons or for battery, and minimum sentence; renumbering and amending section 932.465, Florida Statutes, relating to time limitations; renumbering and amending section 776.011, Florida Statutes, relating to principal in first degree; renumbering and amending section 776.04, Florida Statutes, relating to attempts, solicitation and conspiracy; creating sections 776.012, 776.021, 776.031, 776.041, 776.05, 776.051, 776.06, 776.07, and 776.08, Florida Statutes, relating to justifiable use of force; amending section 782.04, Florida Statutes, defining the crimes of and providing the penalties for murder; amending section 782.07, Florida Statutes, defining the crime of and providing the penalty for manslaughter; creating section 782.071, Florida Statutes, defining the crime of and penalty for vehicular homicide; renumbering and amending section 784.02, Florida Statutes, defining the crime of and providing the penalty for assault; renumbering and amending section 784.04, Florida Statutes, defining the crime of and providing the penalty for aggravated assault; amending section 784.03, Florida Statutes, defining the crime of and providing the penalty for battery; amending section 784.045, Florida Statutes, defining the crime of and providing the penalty for aggravated battery; amending section 784.05, Florida Statutes, defining the crime of and providing the penalty for culpable negligence; renumbering and amending section 805.02, Florida Statutes, defining the crime of and providing the penalty for kidnapping; renumbering and amending section 805.01, Florida Statutes, defining the crime of and providing the penalty for false imprisonment; creating section 787.03, Florida Statutes, defining the crime of and providing the penalty for interference with custody; renumbering and amending section 805.03, Florida Statutes, defining the crime of and providing the penalty for removing children from state; amending section 806.01, Florida Statutes, defining the crimes of and providing the penalties for arson; amending section 806.02, Florida Statutes, defining the crime of and providing the penalties for criminal mischief; amending section 806.10, Florida Statutes, defining the crime of and providing the penalty for obstructing extinguishment of fire; amending subsection (1) of section 806.111, Florida Statutes, defining the crime of and providing the penalty for possession of fire bombs; creating section 810.011, Florida Statutes, providing for definitions; amending section 810.02, Florida Statutes, defining the crime of and providing the penalties for burglary; amending section 810.06, Florida Statutes, defining the crime of and providing the penalty for possession of burglary tools; amending section 810.07, Florida Statutes, relating to evidence of intent; creating section 810.08, Florida Statutes, defining the crime of and providing the penalty for trespass in structure or conveyance; creating section 810.09, Florida

Statutes, defining the crime of and providing the penalty for trespass on property other than structure or conveyance; renumbering and amending section 821.071, Florida Statutes, defining the crime of and providing the penalty for unlawfully removing notices; renumbering and amending section 821.02, Florida Statutes, defining the crime of and providing the penalty for placing signs adjacent to highway; renumbering and amending section 813.011, Florida Statutes, defining the crimes of and providing the penalties for robbery; creating section 812.011, Florida Statutes, providing for definitions; renumbering and amending section 811.021, Florida Statutes, defining the crime of and providing the penalty for larceny; renumbering and amending section 811.16, Florida Statutes, defining the crime of and providing the penalty for receiving stolen property; renumbering and amending section 814.04, Florida Statutes, defining the crime of and providing the penalty for unauthorized use of motor vehicle, etc.; renumbering and amending subsection (2) of section 811.165, Florida Statutes, relating to records of purchases and sales; renumbering and amending section 799.01 and 799.02, Florida Statutes, defining the crime of and providing the penalty for bigamy; renumbering and amending section 799.03, Florida Statutes, defining the crime of and providing the penalty for knowingly marrying the spouse of another; creating section 826.04, Florida Statutes, defining the crime of and providing the penalty for incest; creating section 827.01, Florida Statutes, providing for definitions; renumbering and amending section 828.04, Florida Statutes, defining the crime of and providing the penalty for aggravated child abuse; creating section 827.04, Florida Statutes, defining the crime of and providing the penalty for child abuse; renumbering and amending section 828.042, Florida Statutes, defining the crime of and providing the penalty for negligent treatment of children; creating section 827.06, Florida Statutes, defining the crime of and providing the penalty for persistent non-support; creating section 837.011, Florida Statutes, providing for definitions; renumbering and amending section 837.01, Florida Statutes, defining the crime of and providing the penalty for perjury not in an official proceeding; amending section 837.02, Florida Statutes, defining the crime of and providing the penalty for perjury in official proceedings; amending subsection (1) of section 837.021, Florida Statutes, defining the crime of and providing the penalty for perjury by contradictory statements; creating section 837.05, Florida Statutes, defining the crime of and providing the penalty for making false reports to law enforcement authorities; creating section 837.06, Florida Statutes, defining the crime of and providing the penalty for false official statements; creating section 838.014, Florida Statutes, providing for definitions; creating section 838.015, Florida Statutes, defining the crime of and providing the penalty for bribery; creating section 838.016, Florida Statutes, making unlawful certain compensation or rewards for past official behavior and providing penalty; creating section 838.021, Florida Statutes, defining the crime of and providing the penalty for corruption by threat against public servant; creating section 838.031, Florida Statutes, defining the crime of and providing the penalty for official misconduct; creating section 838.041, Florida Statutes, defining the crime of and providing the penalty for misuse of confidential information; providing that reference to punishable as provided in specific section of chapter 775 shall be changed to punishable as provided in chapter 775; renumbering section 776.03, Florida Statutes, as section 777.03, Florida Statutes; renumbering sections 779.01, 779.02, 779.03, 779.04, 779.05, 779.06, 779.07, 779.08, 779.09, 779.10, 779.11, 779.12, 779.13, 779.14, 779.15, 779.16, 779.17, 779.18, 779.19, 779.20 and 779.21, Florida Statutes, as sections 876.32, 876.33, 876.34, 876.35, 876.36, 876.37, 876.38, 876.39, 876.40, 876.41, 876.42, 876.43, 876.44, 876.45, 876.46, 876.47, 876.48, 876.49, 876.50, 876.51 and 876.52, Florida Statutes, respectively; renumbering section 806.06, Florida Statutes, as section 817.60, Florida Statutes; renumbering section 811.022, Florida Statutes, as section 901.27, Florida Statutes; renumbering sections 811.165 and 811.201, Florida Statutes, as sections 812.051 and 812.201, Florida Statutes, respectively; renumbering section 814.05, Florida Statutes, as section 322.274, Florida Statutes; renumbering section 814.07, Florida Statutes, as section 319.36, Florida Statutes; renumbering section 823.03, Florida Statutes, as section 806.101, Florida Statutes; renumbering section 828.041, Florida Statutes, as section 827.07, Florida Statutes; and renumbering section 828.201, Florida Statutes, as section 827.08, Florida Statutes; repealing section 741.22,

Florida Statutes, relating to incest; repealing section 775.11, Florida Statutes, relating to prosecution for second offenses; repealing section 775.12, Florida Statutes, relating to limitation of appeal; repealing sections 782.01, 782.02, and 782.05, Florida Statutes, relating to homicide; repealing section 784.06, Florida Statutes, relating to assault; repealing section 800.04, Florida Statutes, relating to crimes against nature; repealing sections 806.03, 806.04, 806.05, 806.061, 806.07, 806.08, 806.09, 806.11, and 806.12, Florida Statutes, relating to arson; repealing sections 810.01, 810.03, 810.04, 810.05, and 810.051, Florida Statutes, relating to burglary; repealing sections 811.03, 811.04, 811.163, 811.17, 811.28, 811.29, and 811.30, Florida Statutes, relating to larceny; repealing sections 812.10 and 812.12, Florida Statutes, relating to embezzlement; repealing sections 814.01, 814.02, 814.03, and 814.06, Florida Statutes, relating to auto theft; repealing sections 821.01, 821.011, 821.03, 821.04, 821.041, 821.05, 821.07, 821.08, 821.09, 821.10, 821.11, 821.12, 821.121, 821.13, 821.14, 821.15, 821.16, 821.17, 821.18, 821.19, 821.20, 821.21, 821.22, 821.221, 821.13, 821.14, 821.15, 821.16, 821.17, 821.18, 821.19, 821.20, 821.21, 821.22, 821.221, 821.23, 821.24, 821.25, 821.26, 821.27, 821.28, 821.29, 821.30, 821.31, 821.32, 821.33, 821.34, 821.35, 821.37, and 821.38, Florida Statutes, relating to trespass and injury to real property; repealing sections 822.01, 822.02, 822.03, 822.04, 822.05, 822.06, 822.07, 822.08, 822.09, 822.10, 822.11, 822.12, 822.13, 822.14, 822.15, 822.16, 822.17, 822.18, 822.19, 822.20, 822.21, 822.22, and 822.23, Florida Statutes, relating to malicious injury to buildings; repealing sections 823.01, 823.02, 823.04, 823.041, 823.05, 823.06, 823.07, 823.08, 823.09, and 823.10, Florida Statutes, relating to nuisances and doors of certain buildings; repealing sections 828.01, 828.06, 828.07, 828.09, 828.10, 828.11, 828.18, 828.19, 828.20, and 828.21, Florida Statutes, relating to cruelty to animals and children; repealing sections 833.03 and 833.04, Florida Statutes, and section 833.05, Florida Statutes, relating to conspiracy; repealing sections 837.01, 837.03, and 837.04, Florida Statutes, relating to perjury; repealing sections 838.01, 838.012, 838.013, 838.02, 838.03, 838.04, 838.05, 838.06, 838.07, 838.071, 838.08, 838.09, and 838.10, Florida Statutes, relating to bribery; repealing sections 851.01, 851.02, 851.03, and 851.04, Florida Statutes, relating to bucket shops; providing an effective date.

On motion by Senator Barron the Conference Committee Report was read.

On motion by Senator Barron, the Conference Committee Report as an entirety was adopted, CS for HB 2179 passed as recommended and was certified to the House. The vote was:

Yeas—35

Mr. President	Gordon	Myers	Sykes
Brantley	Graham	Pettigrew	Trask
Childers	Gruber	Plante	Vogt
Deeb	Henderson	Poston	Ware
de la Parte	Johnson	Saylor	Weber
Firestone	Lane (31st)	Scarborough	Wilson
Gallen	Lane (23rd)	Sims	Winn
Gillespie	Lewis	Smathers	Zinkil
Glisson	McClain	Stolzenburg	

Nays—None

The Honorable Mallory E. Horne, President

May 31, 1974

I am directed to inform the Senate that the House of Representatives has adopted HCR 3999 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Melvin and others—

HCR 3999—A concurrent resolution commending Miss Amy Marie Jones, "Florida Handicapped Professional Woman of the Year."

—was read the first time in full and placed on the calendar.

On motion by Senator Childers, by two-thirds vote HCR 3999, contained in the above message, was read the second time by title, adopted and certified to the House. The vote was:

Yeas—34

Mr. President	Graham	Peterson	Sykes
Brantley	Gruber	Pettigrew	Vogt
Childers	Henderson	Plante	Ware
Deeb	Johnson	Poston	Weber
de la Parte	Lane (31st)	Sayler	Williams
Firestone	Lane (23rd)	Scarborough	Winn
Gallen	Lewis	Sims	Zinkil
Gillespie	McClain	Smathers	
Gordon	Myers	Stolzenburg	

Nays—None

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 3, 4, 5 and 6, has refused to concur in Senate Amendments 1 and 2 and requests the Senate to recede and has passed as amended—

By the Committee on Judiciary and Representative Crabtree—

CS for HB 895 (cs)—A bill to be entitled An act relating to limitations of actions; creating sections 95.011, 95.031 and 95.091, Florida Statutes; prescribing the periods of time for limitations; the conditions under which the periods of time apply, the times when actions accrue, the applicability of limitations and laches; repealing sections 95.02, 95.021, 95.08, 95.09, 95.112, 95.113, 95.15, 95.20, 95.24, 95.251, 95.27, 95.33, 95.34, 95.38, 353.06, 356.09, 475.49, 478.191 (5), 672.725, 676.111, 768.04, 849.27, 849.28, Florida Statutes 1971, amending sections 65.081, 95.03, 95.04, 95.10, 95.11, as amended by chapter 73-333, Laws of Florida, 95.111, 95.12, 95.13, 95.14, 95.16, 95.17, 95.18, 95.19, 95.21, 95.22, 95.241, 95.35, 95.36, 192.053, 206.14 (5), 206.15, 206.175, 211.11, 517.21 (1), 377.33 (3), Florida Statutes 1971, transferring section 95.37, Florida Statutes 1971 to chapter 11, Florida Statutes; amending and transferring sections 95.05, 95.06, 95.07, 95.23, 95.26, 95.28, 95.29, 95.30, 95.31, 95.32 and 337.31, Florida Statutes 1971; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

On motions by Senator Vogt, the Senate refused to recede from Senate Amendments 1 and 2 to CS for HB 895 (cs), and again requested the House to concur. The action of the Senate was certified to the House.

On motion by Senator Williams, HB 3372 was withdrawn from the Committee on Education by two-thirds vote and placed on the calendar.

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1 and 2 and concurred in same as amended, passed CS for HB 4026, as further amended—

By the Committees on Appropriations and Education and Representative Dubbin and others—

CS for HB 4026—A bill to be entitled An act relating to education; creating §235.001, Florida Statutes, providing legislative intent; creating §235.012, Florida Statutes, creating an office of school facilities construction under the commissioner of education; creating §235.013, Florida Statutes, providing for interdepartmental cooperation in school construction; creating §235.014, Florida Statutes, providing duties and responsibilities of the office; creating §§235.015 and 235.016, Florida Statutes, providing for an associate commissioner and specifying duties and responsibilities; amending §235.06, Florida Statutes, 1973, empowering and directing the board of education to adopt regulations relating to health and safety standards at school plants; requiring each district school board to adopt certain policies in conformance with the standards; providing for periodic inspection of school plants by each school board to determine compliance with the standards; providing for correction of deficiencies or for closure of the school plant if not corrected; permitting inspection of any school plant by certain state and local agen-

cies; providing standards for inspection by such agencies; providing procedures when deficiencies are noted by such agencies; providing for review of an order of any such agency for the correction of deficiencies by the state board of education; providing procedure for review; amending §235.211, Florida Statutes, 1973, requiring the state board to provide relocatable school facilities, and establishing criteria for said facilities; permitting the sale or lease of the facilities when need decreases; requiring the state board to develop prototype design criteria; defining prototype design criteria; providing for annual review and update of said design criteria; authorizing leasing of facilities; providing definitions for construction techniques; requiring conformity to the uniform building code; amending §235.26, Florida Statutes, 1973, empowering the office to prescribe a statewide mandatory and uniform building code for the construction of school facilities; prohibiting construction not in conformance with the code; requiring each school board and the office to enforce the code; requiring each district superintendent to submit specified information to the office for approval; providing for certain factors to be taken into consideration by the office; providing that the state board of education is the final board of appeals; requiring the office to annually review the code; providing for assistance by the department of community affairs for the construction of fallout shelters; amending §235.31, Florida Statutes, 1973, to authorize school boards to negotiate with contractors to remodel, etc., existing school buildings when bidding would be difficult; amending §235.32, Florida Statutes, 1973, deleting the requirement that school plant construction contractors comply with the requirements of §215.19, Florida Statutes, relating to the rate of payment of wages for certain employees; creating §235.322, Florida Statutes, providing for rate of payment of wages for certain employees engaged in certain public construction; requiring employers to provide certain notification to their employees; providing a procedure for review of violation by a contractor of the wage rate provisions; providing exemptions; providing a penalty; creating §235.41, Florida Statutes, providing a procedure for the request of funds of the office by each school board; creating §235.42, Florida Statutes, empowering the state board of education to accept legislative appropriations; creating §235.43, Florida Statutes, transferring certain functions and programs from the division of elementary and secondary education and the division of vocational technical and adult education of the department of education and of the commissioner of education to the office; amending §236.013(5), Florida Statutes, 1973, and adding a subsection; redefining "relocatable facility" and defining "projected plant need"; amending §236.084(1) and (3), Florida Statutes, 1973, and adding a subsection, requiring the commissioner of education, in determining annual debt service needs of each school district, to include the projected cost of amortizing certain annual payments of bonded indebtedness; deleting the exemption given certain tax moneys from inclusion in available district capital outlay funds for purposes of the office's determination of district needs; requiring the office to include in such determination the amount of certain funds expended for school construction during the five (5) years immediately prior to each fiscal year except funds used for payment of bonded indebtedness; providing that the alleviation of overcrowding and elimination of multiple daily sessions be given first priority in the expenditure by a district of funds for school construction; providing for a certain part of the capital outlay allocation to be expended on the correction of safety and health deficiencies; providing for certain limits on the expenditure of state funds; amending §20.04(2) and (3) amending the structure of the executive branch to provide for area units for field operations and to provide that the principal unit within the staff organization of a department shall be an "office"; changing the head of a section within a bureau from administrator to manager; repealing §241.70, Florida Statutes, 1973, providing for school construction research projects by the department of education in conjunction with the University of Florida; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment to Senate Amendment 1—On page 5, lines 6 and 7, strike all of said lines and insert: Section 1. Sections 235.0001 and 235.001, Florida Statutes, are created to read:

235.0001 Short title.—This act shall be known and cited as the "Educational Facilities Construction Act" or the "Murray H. Dubbin Act."

House Amendment to Senate title Amendment 2—On page 1 in title, line 4, after the semicolon insert: creating 235.0001, Florida Statutes, providing a short title;

On motions by Senator Graham, the Senate concurred in House amendments to Senate Amendments 1 and 2 to CS for HB 4026.

CS for HB 4026 passed as further amended and the action of the Senate was certified to the House. The vote was:

Yeas—33

Mr. President	Gruber	Plante	Vogt
Brantley	Henderson	Poston	Ware
Childers	Johnston	Saunders	Weber
Deeb	Lane (31st)	Scarborough	Wilson
de la Parte	Lewis	Sims	Winn
Firestone	McClain	Smathers	Zinkil
Gillespie	Myers	Stolzenburg	
Glisson	Peterson	Sykes	
Graham	Pettigrew	Trask	

Nays—None

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 2, has amended Senate Amendment 1, concurred in same as amended and passed CS for HB's 3208 and 3166, as further amended—

By the Committee on Health & Rehabilitative Services and Representatives Hodges and Harris—

CS for HB's 3208 and 3166—A bill to be entitled An act relating to health and rehabilitative services; providing for a statewide school health services plan; providing an appropriation, contemplating phased in funding; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment to Senate Amendment 1—On page 4, line 24, strike all of Section 8 and renumber following sections.

On motion by Senator Myers, the Senate concurred in the House amendment to Senate Amendment 1 to CS for HB's 3208 and 3166.

CS for HB's 3208 and 3166 passed as further amended and the action of the Senate was certified to the House. The vote was:

Yeas—35

Mr. President	Gruber	Pettigrew	Sykes
Brantley	Henderson	Plante	Trask
Childers	Johnston	Poston	Vogt
de la Parte	Lane (31st)	Saunders	Ware
Firestone	Lane (23rd)	Sayler	Weber
Gallen	Lewis	Scarborough	Wilson
Gillespie	McClain	Sims	Winn
Glisson	Myers	Smathers	Zinkil
Gordon	Peterson	Stolzenburg	

Nays—None

By unanimous consent Senator Graham was recorded as voting yea.

By direction of the President the following Conference Committee Report was read:

Conference Committee Report on CS for SB 892

The Honorable Mallory E. Horne
President of the Senate

May 31, 1974

The Honorable Terrell Sessums
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on CS for SB 892, same being:

A bill to be entitled An act relating to administrative procedures; creating section 120.010, Florida Statutes, providing a short title; creating §120.015, Florida Statutes, providing exemptions; amending section 120.021, Florida Statutes, providing additional definitions; amending section 120.031, Florida Statutes, providing that each agency adopt as a rule a description of its organization and procedures and make specified records available for copying at cost; amending section 120.041, Florida Statutes, providing additional rule making procedures; amending section 120.051, Florida Statutes, providing additional filing and publication procedures; creating section 120.095, Florida Statutes, providing exemption procedures; creating section 120.29, Florida Statutes, providing for administrative determination of the validity of a rule on specified grounds; creating the division of administrative hearings of the department of administration to be headed by a director appointed by the administration commission and confirmed by the senate; creating section 11.60, Florida Statutes, providing for the administrative procedures committee, its membership, powers and duties; providing exemptions; repealing section 120.21(1), Florida Statutes, relating to definitions; repealing section 120.321, Florida Statutes, relating to an exemption; providing legislative intent; providing an effective date.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from amendments 1 and 2.
2. That the Senate and the House of Representatives adopt conference committee amendments 1 and 2 attached hereto and by reference made a part of this report.

Dempsey J. Barron
Lew Brantley
Philip D. Lewis
Charles H. Weber
Thomas H. Johnson

Marshall S. Harris
Robert C. Hector
Kenneth H. MacKay, Jr.
Granville H. Crabtree, Jr.
S. Curtis Kiser

Managers on the part
of the Senate

Managers on the part
of the House of Representatives

Conference Committee Amendment 1—On page 2, line 3, through the remainder of the bill strike everything after the enacting clause and insert the following:

Section 1. Chapter 120, Florida Statutes, consisting of sections 120.50, 120.51, 120.52, 120.53, 120.54, 120.55, 120.56, 120.57, 120.58, 120.59, 120.60, 120.61, 120.62, 120.63, 120.64, 120.65, 120.66, 120.68, 120.69, 120.70, and 120.71, is created to read:

120.50 This chapter shall not apply to the legislature or the courts.

120.51 Short title.—This chapter may be known and cited as "Administrative Procedure Act."

120.52 Definitions.—As used in this act:

(1) "Agency" means

(a) The governor in the exercise of all executive powers other than those derived from the Constitution;

(b) Each other state officer and each state department, departmental unit described in §20.04, commission, regional planning agency, board, district, and authority including but not limited to those described in chapters 160, 163, 298, 373, 380 and 582; and

(c) Each other unit of government in the state, including counties and municipalities to the extent they are expressly made subject to this act by general or special law or existing judicial decisions.

(2) "Agency action" means the whole or a part of a rule or order or the equivalent, or denial of a petition to adopt a rule or issue an order. The term also includes any request made under §120.54(3).

(3) "Agency head" means the person or collegial body in a department or other governmental unit statutorily responsible for final agency action.

(4) "Committee" means the administrative procedures committee.

(5) "Division" means the division of administrative hearings of the department of administration.

(6) "License" means a franchise, permit, certification, registration, charter or similar form of authorization required by law, but it does not include a license required primarily for revenue purposes where issuance of the license is merely a ministerial act.

(7) "Licensing" means the agency process respecting the issuance, denial, renewal, revocation, suspension, annulment, withdrawal, amendment, or imposition of terms for the exercise of a license;

(8) "Order" means a final agency decision which does not have the effect of a rule and which is not excepted from the definition of a rule, whether affirmative, negative, injunctive or declaratory in form. An agency decision shall be final when reduced to writing.

(9) "Party" means:

(a) Specifically named persons whose substantial interests are being determined in the proceeding;

(b) Any other person who as a matter of constitutional right, provision of statute, or provision of agency regulation is entitled to participate in whole or in part in the proceeding or whose substantial interests will be affected by proposed agency action and who makes an appearance as a party; and

(c) Any other person, including an agency staff member, allowed by the agency to intervene or participate in the proceeding as a party. Any agency may by rule authorize limited forms of participation in agency proceedings for persons who are not eligible to become parties.

(10) "Person" means any person described in §1.01, any unit of government in or outside the state, and any agency described in §120.52(1).

(11) "Proposed order" means the advance text, under §120.58(1)(d), of the order which a collegial agency head plans to enter as its final order. When a hearing officer assigned by the division conducts a hearing, the recommended order is the proposed order.

(12) "Recommended order" means the official recommendation of a hearing officer assigned by the division to an agency for the final disposition of a proceeding under §120.57.

(13) "Rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of an agency and includes the amendment or repeal of a rule. The term does not include internal management memoranda which do not affect either the private interests of any person or any plan or procedure important to the public, legal memoranda or opinions issued to an agency by the attorney general or agency legal opinions prior to their use in connection with the agency action or the preparation or modification of agency budgets, contractual provisions reached as a result of collective bargaining, or agricultural marketing orders under chapters 573 or 601.

120.53 Adoption of rules of procedure and public inspection.—

(1) In addition to other requirements imposed by law, each agency shall:

(a) Adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests;

(b) Adopt rules of practice setting forth the nature and requirements of all formal and informal procedures including copies of all forms and instructions used by the agency; and

(c) Adopt rules of procedure appropriate for the presentation of arguments concerning issues of law or policy, and for the presentation of evidence on any pertinent fact that may be in dispute.

(d) Adopt rules for the scheduling of meetings, hearings, and workshops including the establishment of agendas therefor, one of which shall be that an agenda shall be prepared at least seven days before the event by the agency, and made available for distribution on request of any interested persons. The

agenda shall contain the items to be considered in the order of presentation. After the agenda has been made available, change shall be only for good cause, as determined by the person designated to preside, and stated in the record. Notification of such change shall be at the earliest practicable time.

(2) Each agency shall make available for public inspection and copying at no more than cost all rules formulated, adopted, or used by the agency in the discharge of its functions; all agency orders; and a current subject matter index, identifying for the public any rule or order issued or adopted after the effective date of this act. All rules adopted pursuant to this act shall be indexed within ninety days. The secretary of state shall by rule establish uniform indexing procedures.

(3) No agency rule or order is valid for any purpose until it has been made available for public inspection as herein required unless the person or party against whom enforcement is sought has actual knowledge of it.

120.54 Rule making; adoption procedures.—The rule making provisions of this chapter shall not apply to the judges of industrial claims or unemployment compensation appeals referees.

(1) Prior to the adoption, amendment or repeal of any rule not described in subsection (8), an agency shall give notice of its intended action, setting forth a short and plain explanation of the purpose and effect of the proposed rule, a summary of the proposed rule, and the specific legal authority under which its adoption is authorized.

(a) The notice shall be mailed to the committee and to all persons named in the proposed rule and to all persons who have made requests of the agency for advance notice of its proceedings at least fourteen days prior to such mailing. The agency shall give such further notice to those particular classes of persons to whom the intended action is directed as prescribed by rule. The notice shall contain the location where a text of the proposed rule can be obtained if the text is not included in the notice.

(b) The notice shall be published in the Florida administrative weekly not less than twenty-one days prior to the intended action; except that notice of actions proposed by school districts, community college districts or units of government with jurisdiction in only one county or a part thereof need not be published in the Florida administrative weekly nor transmitted to the committee.

(2) If the intended action concerns any rule other than one relating exclusively to organization, procedure or practice, on the request of any affected person received within fourteen days after the date of publication of the notice, the agency shall give affected persons an opportunity to present evidence and argument on all issues under consideration appropriate to inform it of their contentions.

(3) The adopting agency shall file with the division a copy of each rule it proposes to adopt at least twenty-one days prior to its intended action. If the proposed rule contains any provision not relating exclusively to organization, practice or procedure, then any substantially affected person may seek an administrative determination of the validity of the proposed rule on the following grounds: that the proposed rule is an invalid exercise of validly delegated legislative authority; or, that the proposed rule is an exercise of invalidly delegated legislative authority. The request seeking a determination under this section shall be in writing and must be received within fourteen days after the date of publication of the notice. It must state with particularity facts sufficient to show the person challenging the proposed rule would be substantially affected by it and facts sufficient to show the grounds on which the proposed rule is alleged to be invalid, which may be stated in the alternative. The hearing shall be held within thirty days following receipt of the written request therefor. Within thirty days after conclusion of the hearing, the hearing officer shall render his decision and state the reasons therefor in writing. The hearing officer may declare the proposed rule wholly or partly invalid. The proposed rule or provision of a proposed rule declared invalid shall be withdrawn from the committee by the adopting agency and shall not be adopted. No rule shall be adopted until twenty-one days after the notice required by subsection (1) or until the hearing officer has rendered his decision, as the case may be. In the event part of a proposed rule is declared invalid, the adopting agency may, in its sole discretion, withdraw the proposed rule in its entirety. Hearings held under this provision shall be conducted in the same manner as provided

in §120.57 and shall be judicially reviewable as provided for agency orders. The agency proposing the rule and the person requesting the hearing shall be adversary parties; other substantially affected persons may join the proceeding as parties or intervenors on appropriate terms which will not substantially delay the proceedings. The remedy provided by this subsection is in addition to any other remedies available.

(4) Any person regulated by an agency or having a substantial interest in an agency rule may petition an agency to adopt, amend or repeal a rule, or to provide the minimum public information required by §120.53. The petition shall specify the proposed rule and action requested. Not later than thirty calendar days after the date of filing a petition, the agency shall initiate rule making proceedings under this act, otherwise comply with the requested action, or deny the petition with a written statement of its reasons for the denial.

(5) In rule making proceedings, the agency may recognize any material which may be judicially noticed and it may provide that materials so recognized shall be incorporated into the record of the proceeding. Before completing the record of any proceeding, all parties shall be provided a list of such materials and given a reasonable opportunity to examine and to offer written comments on or written rebuttal thereto.

(6) Each rule adopted shall be accompanied by a reference to the specific rule making authority pursuant to which the rule was adopted and a reference to the section or subsection of law being implemented, interpreted, or made specific.

(7) Each rule adopted shall contain only one subject and shall be preceded by a concise statement of the purpose of the rule and reference to the rules repealed or amended, which statement need not be printed in the Florida administrative code. No rule shall be amended by reference only; amendments shall set out the amended rule in full in the same manner as required by the constitution for laws.

(8)(a) If an agency finds that an immediate danger to the public health, safety or welfare requires emergency action, the agency may adopt any rule necessitated by the immediate danger by any procedure which is fair under the circumstances and is necessary to protect the public interest, provided that:

1. The procedure provides at least the procedural protection given by other statutes, the Florida constitution or the United States constitution;

2. The agency takes only that action necessary to protect the public interest under the emergency procedure; and

3. The agency publishes in writing at the time of or prior to its action the specific facts and reasons for finding an immediate danger to the public health, safety or welfare and its reasons for concluding that the procedure used is fair under the circumstances. The agency's findings of immediate danger, necessity and procedural fairness shall be judicially reviewable.

(b) Rules pertaining to the public health, safety or welfare shall include but not be limited to those rules pertaining to perishable agricultural commodities.

(c) An emergency rule adopted under this subsection may not be effective for a period longer than ninety days and shall not be renewable; however, the agency may take identical action by normal rule making procedures;

(d) Subject to applicable constitutional and statutory provisions, an emergency rule becomes effective immediately on filing, or at a date less than twenty days thereafter if specified in the rule, if the adopting agency finds that such effective date is necessary because of immediate danger to the public health, safety or welfare.

(9) Ninety days after the effective date of this section the administration commission shall file one or more sets of model rules of procedure with the department of state. On filing with the department of state, the appropriate model rules shall be the rules of procedure for each agency subject to this act to the extent each agency has not adopted a specific rule of procedure covering the subject matter contained in the model rules applicable to that agency. An agency may amend the model rules of procedure to the extent necessary to conform to any requirement imposed as a condition precedent to receipt of federal funds, to permit persons in this state to receive tax benefits under federal law, or as required for the most

efficient operation of the agency as determined by the administration commission. The reasons for the amendment shall be published in the Florida administrative weekly.

(10)(a) The adopting agency shall file with the committee a copy of each rule it proposes to adopt, a detailed written statement of the facts and circumstances justifying the proposed rule and the notice required by subsection (1) at least twenty-one days prior to its intended action. After the final public hearing on the proposed rule, or after the time for requesting a hearing has expired, the adopting agency shall file any changes in the proposed rule and the reasons therefor with the committee or advise the committee that there are no changes. The committee shall examine the proposed rule and its accompanying material for the purpose of determining whether the proposed rule is within the statutory authority on which it is based, as a legislative check on legislatively created authority. If it disapproves the rule, the committee shall certify the fact to the agency proposing the rule, together with a statement detailing with particularity its objections to the proposed rule prior to the time the rule becomes effective. The agency submitting the rule shall either modify the proposed rule to meet the objections found by the committee, withdraw the proposed rule in its entirety, or refuse to modify the rule within thirty days; failure of the agency to act within thirty days shall constitute withdrawal of the rule in its entirety. Proposed rules modified to meet committee objections shall be resubmitted in the manner set forth above, and the committee shall give priority to modified rules when setting its agenda.

(b) After the final public hearing on a rule, twenty-one days after the notice required by subsection (1), or after refusal of the agency to modify the rule, as the case may be, the adopting agency shall file with the department of state a certified copy of the rule it proposes to adopt, the summary of the rule, the summary of the hearings and the detailed written statement of the facts and circumstances justifying the rule. If the committee disapproves the rule and the agency does not modify the rule, the committee shall file the disapproval together with the statement detailing with particularity its objections to the proposed rule with the department of state for publication in the administrative weekly.

(c) Subsection (10) shall not apply to school districts, community college districts, local units of government with jurisdiction in only one county or a part thereof, or to emergency rules adopted pursuant to subsection (8); provided, agencies adopting emergency rules shall file a copy of each emergency rule with the committee.

(11) The proposed rule shall be adopted on filing and become effective twenty days after filing or on a later date specified in the rule or on a date required by statute. The adopting agency shall furnish a copy to the president and the speaker for referral to the appropriate committee.

(12) No agency has authority to establish penalties for violation of a rule unless the legislature when establishing a penalty specifically provides that the penalty shall apply to rules.

(13) No agency has inherent rule making authority.

120.55 Publication.—

(1) The department of state shall:

(a) Conduct a systematic and continuing study of the rules of this state for the purpose of reducing their number and bulk, and removing redundancies and unnecessary repetitions, and it shall make such changes in style and form as are required by paragraph (d);

(b) Publish in a permanent compilation entitled Florida administrative code all rules adopted by each agency and complete indexes to all rules contained in the code. Supplemental shall be made as often as is practicable, but at least monthly. Rules general in form but applicable to only one school district, community college district, county, or a part thereof shall not be published in the Florida administrative code. Rules so omitted shall be filed in the department of state and exclusion from publication in the Florida administrative code shall not affect their validity or effectiveness. The department of state shall publish a compilation of and index to all rules so omitted at least annually;

(c) Publish a weekly pamphlet entitled the Florida administrative weekly which shall contain a summary of and an

index to all rules filed during the preceding week; all hearing notices required by §120.54(1) showing the time, place and date of the hearing and the summary of all rules proposed for consideration; other material required by law; and other material deemed useful by the department.

(d) Prescribe by rule the style and form required for rules submitted for filing and establish the form for their certification;

(e) Correct grammatical, typographical and like errors not affecting the construction or meaning of the rules and insert history notes;

(f) Before making any change in any rules as provided in paragraphs (a) or (e), obtain the advice and consent of the affected agency;

(g) Make copies of the Florida administrative code and weekly available for sale at no more than cost.

(2) Each agency shall print or distribute copies of its rules at its own expense or purchase copies for distribution from the secretary of state.

(3)(a) The department of state shall furnish one copy of the Florida administrative code and weekly without charge, upon request, to each federal and state court having jurisdiction over the residents of the state, each Florida senator, congressman and state legislator, the legislative library, each state university library, the state library and each standing committee of the senate and house of representatives of Florida; two sets to each state department and three sets to the library of the attorney general, to each law school library in Florida, and to the secretary of the senate and clerk of the house.

(b) The department of state shall furnish one copy of the Florida administrative weekly, at no cost, to the depository libraries of the Florida state library, to each clerk of the circuit court and to each state department, for posting for public inspection.

(4)(a) There is hereby created in the state treasury a revolving fund to be known as the department of state's publication revolving trust fund and there is hereby appropriated to said revolving trust fund from the general revenue fund of the state the sum of \$25,000.

(b) All fees and moneys collected by the department of state under this chapter shall be deposited in the revolving trust fund for the purpose of paying for the publication and distribution of the Florida administrative code and weekly and for associated costs incurred by the department of state in carrying out this chapter.

(c) The unencumbered balance in the revolving trust fund at the beginning of each fiscal year shall not exceed \$25,000 and any excess shall be transferred to the general revenue fund. An amount sufficient to bring the revolving trust fund up to \$25,000 is appropriated and shall be transferred from the general revenue fund for the purposes set forth in this section.

120.56 Declaratory statement by agencies; administrative determination of rule.—

(1) Each agency shall provide by rule the procedure for the filing and prompt disposition of petitions for declaratory statements as to the applicability of any statutory provision or of any rule or order of the agency. Agency disposition of petitions shall be final agency action.

(2) Any person substantially affected by a rule may seek an administrative determination of the validity of the rule on the following grounds; that the rule is an invalid exercise of validly delegated legislative authority; or, that the rule is an exercise of invalidly delegated legislative authority.

(a) The petition seeking an administrative determination under this section shall be in writing and state with particularity facts sufficient to show the person seeking relief is substantially affected by the rule and facts sufficient to show the grounds on which the rule is alleged to be invalid, which may be stated in the alternative. The petition may be filed with the division or with the agency whose rule is involved. Within ten days after receiving the petition, the division director shall assign a hearing officer, who shall conduct a hearing within thirty days thereafter, unless the petition is withdrawn.

(b) Within thirty days after the hearing, the hearing officer shall render his decision and state the reasons therefor in writing. The hearing officer may declare all or part of a rule invalid. The rule or part thereof declared invalid shall become void when the time for filing appeal expires or at a later date specified in the decision.

(3) Hearings held under this provision shall be conducted in the same manner as provided in §120.57 and shall be judicially reviewable as provided for agency orders. The agency whose rule is attacked and the petitioner shall be adversary parties; other substantially affected persons may join the proceedings as parties or intervenors on appropriate terms which shall not unduly delay the proceedings. This failure to proceed under this section shall not constitute failure to exhaust administrative remedies.

120.57 Decisions which affect substantial interests.—The provisions of this section shall apply in all proceedings, in which the substantial interests of a party are determined by an agency. Rule-making proceedings shall be governed solely by §120.54 unless and to the extent that a party timely asserts that his substantial interests will be affected in the proceedings and affirmatively demonstrates to the agency that the proceeding does not provide adequate opportunity to protect those interests. If the agency determines that rule-making proceedings are not adequate to protect a party's interests, it shall convene a separate proceeding and proceed under the provisions of this section. The agency may request similarly situated parties to join and participate in such a proceeding. Unless waived by consent of all parties and the agency involved, subsection (1) shall apply to the extent that the proceeding involves a disputed issue of material fact. Unless otherwise agreed subsection (2) shall apply in all other cases.

(1) **FORMAL PROCEEDINGS.—**A hearing officer assigned by the division shall conduct all hearings under this section except for hearings: before agency heads other than those within the department of professional and occupational regulations; before a member of an agency head other than agency heads within the department of professional and occupational regulation; before the industrial relations commission, judges of industrial claims, unemployment compensation appeals referees, public service commission or its examiners, or hearings regarding drivers licensing pursuant to chapter 322; hearings within the division of family services of the department of health and rehabilitative services; and hearings in which the division is a party. When the division is a party, an attorney assigned by administration commission shall be the hearing officer. In cases to which this subsection is applicable, the following procedures shall apply:

(a) All parties shall be afforded an opportunity for hearing after reasonable notice of not less than fourteen days, which shall include:

1. A statement of the time, place and nature of the hearing;
2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
3. A reference to the particular sections of the statutes and rules involved;
4. A short and plain statement of the matters asserted by the agency and by all parties of record at the time notice is given; if the agency or any party is unable to state the matters in sufficient detail at the time initial notice is given, the notice may be limited to a statement of the issues involved and thereafter, upon timely written application, a more definite and detailed statement shall be furnished not less than three days prior to the date set for the hearing.

(b) For two years after the effective date of this act the agency or its designee may conduct the hearing if a full time hearing officer conducts the hearing or if the division advises the agency that it cannot provide a hearing officer within a reasonable time.

(c) If any hearing officer other than an agency head or a member thereof is not a full time hearing officer employed by the division, a full time hearing officer shall be appointed for the duration of the hearing. This officer shall rule upon proffers of proof and questions of evidence and dispose of procedural requests or similar matters.

(d) All hearing officers except for agency heads, members thereof or public service commission hearing examiners in

rate-making proceedings shall be employees of or on contract to the division. On request of any agency the division shall assign hearing officers to conduct hearings with due regard to the expertise required for the particular matter. Any party may request the disqualification of any hearing officer by filing an affidavit with the division prior to the taking of evidence at a hearing, stating the grounds with particularity.

(e) All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to any order or hearing officer's recommended order, and to be represented by counsel. When appropriate, the general public may be given an opportunity to present oral or written communications. If the agency proposes to consider such material then all parties shall be given an opportunity to cross-examine, challenge or rebut it.

(f) The record in cases governed by this subsection shall consist only of:

1. All notices, pleadings, motions and intermediate rulings;
2. Evidence received or considered;
3. A statement of matters officially recognized;
4. Questions and proffers of proof, objections and rulings thereon;
5. Proposed findings and exceptions;
6. Any decision, opinion, recommended order or report by the officer presiding at the hearing;
7. All staff memoranda or data submitted to the hearing officer during the hearing or prior to its disposition after notice of the submission to all parties;
8. All matters placed on the record after an ex parte communication pursuant to §120.66(2);
9. The official transcript.

(g) The agency shall accurately and completely preserve all testimony in the proceeding, and it shall make, on the request of any party, a full or partial transcript available at no more than actual cost.

(h) Findings of fact shall be based exclusively on the evidence of record and on matters officially recognized.

(i) The hearing officer shall complete and submit to the agency and all parties a recommended order consisting of his findings of fact, conclusions of law, interpretation of administrative rules, recommended penalty, if applicable, and any other information required by law or agency rule to be contained in the final order. The agency shall allow each party at least ten days in which to submit written exceptions to the recommended order.

(j) The agency may accept the recommended order and adopt it as the agency's final order. The agency in its final order may reject or modify the conclusions of law and interpretation of administrative rules in the recommended order but may not reject or modify the findings of fact unless the agency first determines from a review of the complete record and states with particularity in the order that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. The agency may accept or reduce the recommended penalty in a recommended order but may not increase it without a review of the complete record. In the event a court, in reversing an agency's order, finds that such agency action was done in bad faith or maliciously, the court may award attorney's fees and costs to the aggrieved prevailing party.

(k) If the hearing officer assigned to a hearing becomes unavailable, the division shall assign another hearing officer who shall use any existing record and receive any additional evidence or argument, if any, which the new hearing officer finds necessary.

(1) A hearing officer who is a member of an agency head may participate in the formulation of the agency's final order, provided he has completed all his duties as hearing officer.

(2) **INFORMAL PROCEEDINGS.**—In cases to which subsection (1) does not apply:

(a) The agency shall, in accordance with its rules of procedure:

1. Give reasonable notice to affected persons or parties of the agency's action, whether proposed or already taken, or of its decision to refuse action, together with a summary of the factual, legal and policy grounds therefor;

2. Give affected persons or parties, or their counsel, an opportunity to present to the agency or hearing officer written evidence in opposition to the agency's action or refusal to act, or a written statement challenging the grounds upon which the agency has chosen to justify its action or inaction at a convenient time and place;

3. If the objections of the persons or parties are overruled, provide a written explanation within seven days.

(b) The record shall only consist of:

1. The notice and summary of grounds;
2. Evidence received or considered;
3. All written statements submitted by persons and parties;
4. Any decision overruling objections;
5. All matters placed on the record after an ex parte communication pursuant to §120.66(2); and
6. The official transcript.

(3) Unless precluded by law, informal disposition may be made of any proceeding by stipulation, agreed settlement, or consent order.

(4) This section shall not apply to agency investigations preliminary to agency action.

120.58 Agency action; evidence, record and subpoenas.—

(1) In agency proceedings for a rule or order:

(a) Irrelevant, immaterial or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent men in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be made under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

(b) An agency, or its duly empowered presiding officer, or a hearing officer has the power to swear witnesses and take their testimony under oath, to issue subpoenas upon the written request of any party or upon its own motion, and to effect discovery upon the written request of any party by any means available to the courts and in the manner provided in the Florida rules of civil procedure.

(c) Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.

(d) If a majority of those who are to render the final order have not heard the case or read the record, a decision adverse to a party other than the agency itself shall not be made until a proposed order is served upon the parties and they are given an opportunity to file exceptions and present briefs and oral arguments to those who are to render the decision. The proposed order shall contain necessary findings of fact and conclusions of law and a reference to the source of each. The proposed order shall be prepared by the individual who conducted the hearing if available or by one who has read the record. The parties by written stipulation may waive compliance with this paragraph.

(e) A party shall be permitted to conduct cross-examination when testimony is taken or documents are made a part of the record.

(2) Any person subject to a subpoena or order directing discovery may, before compliance and on timely petition, request the agency having jurisdiction of the dispute to invalidate the subpoena or order on the ground that it was not lawfully issued, is unreasonably broad in scope, or requires the produc-

tion of irrelevant material, but the decision of the agency on any such request shall not be proposed agency action governed by §120.57.

(3) Any person failing to comply with a subpoena or order directing discovery issued under the authority of this act shall be in contempt of the agency issuing the subpoena or order and subject to any penalties which the agency is authorized by law to prescribe; however, no person shall be in contempt while the subpoena or order is being challenged under subsection (2). In the absence of agency action on the default within thirty days the party requesting the subpoena or order may bring proceedings in an appropriate court for enforcement of the subpoena or order, and a failure to comply with an order of the court shall result in a finding of contempt of court. In the absence of statutory authority for remedy the violator may receive a fine not to exceed \$500.

120.59 Orders.—

(1) The final order in a proceeding which affects substantial interests shall be in writing or stated in the record, shall include findings of fact and conclusions of law separately stated, and be rendered within ninety days:

(a) After the hearing is concluded if conducted by the agency,

(b) After a recommended order is submitted to the agency and mailed to all parties if conducted by a hearing officer, or

(c) After the agency has received the written and oral material it has authorized to be submitted if there has been no hearing. The ninety day period may be waived or extended with the consent of all parties.

(2) Findings of fact, if set forth in a manner which is no more than mere tracking of the statutory language, shall be accompanied by a concise and explicit statement of the underlying facts of record which support the findings. If, in accordance with agency rules, a party submitted proposed findings of fact or filed any written application or other request in connection with the proceeding, the order shall include a ruling upon each proposed finding and a brief statement of the grounds for denying the application or request.

(3) If an agency head finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, it shall recite with particularity the facts underlying such finding in a final order which shall be appealable or enjoined from the date rendered.

(4) Parties shall be notified either personally or by mail of any order and, unless waived, a copy of the final order shall be delivered or mailed to each party or to his attorney of record.

120.60 Licensing.—

(1) Unless otherwise provided by statute enacted subsequent to the effective date of this act, licensing is subject to the provisions of §120.57.

(2) When an application for a license is made as required by law, the agency shall conduct the proceedings required with reasonable dispatch and with due regard to the rights and privileges of all affected parties or aggrieved persons. Each agency upon issuing or denying a license shall state with particularity the grounds or basis for the issuance or denial of same, except where issuance is a ministerial act. On denial of a license application on which there has been no hearing, the denying agency shall inform the applicant of any right to a hearing pursuant to §120.57.

(3) When a licensee has made timely and sufficient application for the renewal of a license which does not automatically expire by statute, the existing license shall not expire until the application has been finally acted upon by the agency, and, in case the application is denied or the terms of the license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

(4) No revocation, suspension, annulment or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency has given reasonable notice by certified mail to the licensee of facts or conduct which warrant the intended action, and the licensee has been given an opportunity to show that he has complied with all lawful requirements for the retention of the license.

(5) If the agency finds that immediate serious danger to the public health, safety, or welfare requires emergency suspension of a license, it shall show compliance in its order with the requirements imposed by §120.54(8) on agencies making emergency rules. Summary suspension may be ordered, but a formal suspension or revocation proceeding under this section shall also be promptly instituted and acted upon.

120.61 Official recognition.—Where official recognition is requested, the parties shall be notified and given an opportunity to examine and contest the material.

120.62 Agency investigations.—

(1) No process, requirement of a report, inspection or other investigative act or demand shall be issued, made or enforced in any manner or for any purpose except as authorized by law. Every person who responds to a request or demand by any agency or representative thereof for written data or for an oral statement shall be entitled to a transcript of his oral statement at no more than cost.

(2) Any person compelled to appear or who appears voluntarily before any hearing officer or agency in an investigation or in any agency proceeding, has the right, at his own expense, to be accompanied, represented, and advised by counsel or by other qualified representatives.

120.63 Exemption from act.—

(1) Upon application of any agency, the administration commission may exempt any process or proceeding governed by this act from one or more requirements of this act when:

(a) The agency head has certified that the requirement would conflict with any provisions of federal law or rules with which the agency must comply or in order to permit persons in the state to receive tax benefits or federal funds under any federal law; or

(b) The administration commission has found that conformity with the requirements of the part or parts of this act for which exemption is sought would be so inconvenient or impractical as to defeat the purpose of the agency proceeding involved or the purpose of this act and would not be in the public interest in light of the nature of the intended action and the enabling act or other laws affecting the agency.

(2) The administration commission may not exempt an agency from any requirement of this act pursuant to this section until it establishes alternative procedures to achieve the agency's purpose which shall be consistent, insofar as possible, with the intent and purpose of the act.

(a) Prior to the granting of any exemption authorized by this section, the administration commission shall hold a public hearing after notice given as provided in §120.54(1).

(b) An exemption, and any alternative procedure prescribed, shall terminate ninety days following adjournment sine die of the next regular legislative session after issuance of the exemption, and it shall be renewable upon the same or similar facts no more than once. Such renewal shall terminate ninety days following adjournment sine die of the next regular legislative session following the renewal.

120.65 Hearing officers.—

(1) There is hereby created the division of administrative hearings within the department of administration to be headed by a director who shall be appointed by the administration commission and confirmed by the senate. The division shall be exempt from the provisions of chapter 216.

(2) The division shall employ, or contract for, hearing officers to conduct hearings required by chapter 120 or other law. No person may be employed by the division as a full time hearing officer unless he has been a member of The Florida Bar in good standing for the preceding three years.

(3) By rule, the division may establish further qualifications for hearing officers and shall establish procedures by which candidates will be considered for employment or contract, the manner in which public notice will be given of vacancies in the staff of hearing officers, and procedures for the assignment of hearing officers.

(4) Beginning July 1, 1975, all costs of administering the division shall be paid to the division trust fund on a pro rata

basis by the agencies using its services. The division shall submit statements to the agencies at least quarterly.

(5) There is hereby created in the state treasury a revolving fund to be known as the division of administrative hearings revolving trust fund. All fees and other moneys collected by the division for services rendered under this act shall be deposited in the revolving trust fund and expenses of the division shall be paid from the fund.

(6) The division is authorized to provide hearing officers on a contract basis to any governmental entity to conduct any hearing not covered by this section.

(7) The division shall have the authority to adopt reasonable rules to carry out the provisions of this act.

120.66 Ex parte communications.—

(1) In any proceeding under §120.57, no ex parte communication relative to the merits, or threat or offer of reward, shall be made to the hearing officer by:

(a) An agency head or member of the agency or any other public employee or official engaged in prosecution or advocacy in connection with the matter under consideration or a factually-related matter; or

(b) A party to the proceeding, or any person who directly or indirectly would have a substantial interest in the proposed agency action or his authorized representative or counsel.

(c) Nothing in this section shall apply to an advisory staff which does not participate in the proceeding or to rule making.

(2) A hearing officer who is involved in the decisional process, and who receives an ex parte communication in violation of subsection (1), shall place on the record of the pending matter all written communications received, a memorandum stating the substance of all oral communications received, all written responses to the communication, and a memorandum stating the substance of all oral responses made and shall also advise all parties that such matters have been placed on the record. Any party desiring to rebut the ex parte communication shall be allowed to do so, if such party requests the opportunity for rebuttal within ten days after notice of such communication. The hearing officer may, if he deems it necessary to eliminate the effect of an ex parte communication received by him, withdraw from the proceeding, in which case the division shall assign a successor.

(3) Any person who makes an ex parte communication prohibited by subsection (1) and any hearing officer who fails to place in the record any such communication is in violation of this act and may be assessed a civil penalty not to exceed \$500 or by such other disciplinary action as his superiors may determine.

120.68 Judicial review.—

(1) A party who is adversely affected by final agency action is entitled to judicial review. A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy.

(2) Except in matters for which judicial review by the supreme court is provided by law, all proceedings for review shall be instituted by filing a petition in the district court of appeal in the appellate district where the agency maintains its headquarters or where a party resides. Review proceedings shall be conducted in accordance with the Florida appellate rules.

(3) The filing of the petition does not itself stay enforcement of the agency decision. The agency may grant, or the reviewing court may order, a stay upon appropriate terms.

(4) Judicial review of any agency action shall be confined to the record transmitted, and any additions made thereto in accordance with subsection (7).

(5) The record for judicial review shall consist of the following:

(a) The agency's written document expressing the order, the statement of reasons therefor, if issued, and the record under §120.57, if review of proceedings under that section is sought.

(b) The agency's written document expressing the action, the statement of reasons therefor, if issued and the materials considered by the agency under §120.54 if review is sought of proceedings under that section.

(c) The agency's written document expressing the action, and such other written documents identified by the agency as having been considered by it before its action and used as a basis for its action if review is sought of proceedings under §120.56 or if there has been no proceeding under §§120.54 or 120.57.

(6) When there has been no hearing prior to agency action, and the reviewing court finds that the validity of the action depends upon disputed facts, the court shall order the agency to conduct a prompt fact-finding proceeding under this act after giving a reasonable opportunity to reconsider its determination on the record of the proceedings.

(7) The reviewing court shall deal separately with disputed issues of agency procedure, interpretations of law, determinations of fact, or policy within the agency's exercise of delegated discretion.

(8) The court shall remand the case for further agency action if it finds that either the fairness of the proceedings or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure. Failure of any agency to comply with §120.53 shall be presumed to be a material error in procedure.

(9) The court shall set aside or modify the agency action if it finds that the agency has erroneously interpreted a provision of law and a correct interpretation compels a particular action, or it shall remand the case to the agency for further action under a correct interpretation of the provision of law.

(10) If the agency's action depends on any fact found by the agency in a proceeding meeting the requirements of §120.57 of the act, the court shall not substitute its judgment for that of the agency as to the weight of the evidence on any disputed finding of fact. The court shall, however, set aside agency action or remand the case to the agency if it finds that the agency's action depends on any finding of fact that is not supported by competent substantial evidence in the record.

(11) If the agency's action depends on facts determined pursuant to §120.68(6) the court shall set aside, modify, or order agency action if the facts compel a particular action as a matter of law, or it may remand the case to the agency for further examination and action within the agency's responsibility.

(12) The court shall remand the case to the agency if it finds the agency's exercise of discretion is outside the range of discretion delegated to the agency by law; to be inconsistent with an agency rule, an officially stated agency policy, or a prior agency practice if deviation therefrom is not explained by the agency; or to be otherwise in violation of a constitutional or statutory provision; but the court shall not substitute its judgment for that of the agency on an issue of discretion.

(13) The reviewing court's decision may be mandatory, prohibitory or declaratory in form, and it shall provide whatever relief is appropriate irrespective of the original form of the petition. The court may order agency action required by law, order agency exercise of discretion when required by law, set aside agency action, remand the case for further agency proceedings, or decide the rights, privileges, obligations, requirements, or procedures at issue between the parties, and may order such ancillary relief as the court finds necessary to redress the effects of official action wrongfully taken or withheld. If the court sets aside agency action or remands the case to the agency for further proceedings, it may make such interlocutory order as the court finds necessary to preserve the interests of any party and the public pending further proceedings or agency action.

(14) Unless the court finds a ground for setting aside, modifying, remanding, or ordering agency action or ancillary relief under a specified provision of this section, it shall affirm the agency's action.

120.69 Enforcement of agency action.—

(1) Except as otherwise provided by statute:

(a) Any agency may seek enforcement of an action by filing a petition for enforcement as provided in this section in the

circuit court where the subject matter of the enforcement is located.

(b) A petition for enforcement of any agency action may be filed by any substantially interested person who is a resident of the state; provided, no such action may be commenced:

1. Prior to sixty days after the petitioner has given notice of the violation of the agency action to the head of the agency concerned, the attorney general and any alleged violator of the agency action, or

2. If an agency has filed and is diligently prosecuting a petition for enforcement.

(c) A petition for enforcement filed by a nongovernmental person shall be in the name of the State of Florida on the relation of the petitioner, and the doctrines of res judicata and collateral estoppel shall apply.

(d) In an action brought under paragraph (b), the agency whose action is sought to be enforced, if not a party, may intervene as a matter of right.

(2) A petition for enforcement may request declaratory relief; temporary or permanent equitable relief; any fine, forfeiture, penalty or other remedy provided by statute; any combination of the foregoing; or, in the absence of any other specific statutory authority, a fine not to exceed \$1,000.

(3) After the court has rendered judgment on a petition for enforcement, no other petition shall be filed or adjudicated against the same agency action on the basis of the same transaction or occurrence, unless expressly authorized on remand. The doctrines of res judicata and collateral estoppel shall apply, and the court shall make such orders as are necessary to avoid multiplicity of actions.

(4) In all enforcement proceedings:

(a) If enforcement depends on any facts other than appear in the record, the court may ascertain such facts under procedures set forth in §120.68(6).

(b) If one or more petitions for enforcement and a petition for review involving the same agency action are pending at the same time, the court considering the review petition may order all such actions transferred to and consolidated in one court. Each party shall be under an affirmative duty to notify the court when it becomes aware of multiple proceedings.

(c) Should any party willfully fail to comply with an order of the court, the court shall punish it in accordance with the law applicable to contempt committed by a person in the trial of any other action.

(5) In any enforcement proceeding the respondent may assert as a defense the invalidity of any relevant statute, the inapplicability of the administrative determination to respondent, compliance by the respondent, the inappropriateness of the remedy sought by the agency, or any combination of the foregoing. In addition, if the petition for enforcement is filed during the time within which the respondent could petition for judicial review of the agency action, the respondent may assert the invalidity of the agency action.

(6) Notwithstanding any other provision of this section, upon receipt of evidence that an alleged violation of an agency's action presents an imminent and substantial threat to the public health, safety or welfare, the agency may bring suit for immediate temporary relief in an appropriate circuit court, and the granting of such temporary relief shall not have res judicata or collateral estoppel effect as to further relief sought under a petition for enforcement relating to the same violation.

(7) In any final order on a petition for enforcement the court may award all or part of the costs of litigation and reasonable attorney's fees and expert witness fees, to the prevailing party whenever the court determines that such an award is appropriate.

120.70 Annual report.—

(1) Not later than February 1 of each year, the director shall issue a written report to the administrative procedures committee and the administration commission including at least the following information:

(a) A summary of the extent and effect of agencies' utilization of hearing officers, court reporters and other personnel in proceedings under this act;

(b) His recommendations for change or improvement in the administrative procedure act or any agency's practice or policy with respect thereto.

120.71 Disqualification of agency personnel.—

(1) Any individual serving alone or with others as an agency head shall be disqualified from serving in an agency proceeding for bias, prejudice, interest or other causes for which a judge may be recused. If the disqualified individual holds his position by appointment, the appointing power may appoint a substitute to serve in the matter from which the individual is disqualified. If the individual is an elected official, the governor may appoint a substitute to serve in the matter from which the individual is disqualified.

(2) Any agency action taken by a duly appointed substitute for a disqualified individual shall be as conclusive and effective as if agency action had been taken by the agency as it was constituted prior to any substitution.

Section 2. Section 11.60, Florida Statutes, is created to read:

11.60 Administrative procedures committee; creation; membership; powers; duties.—

(1) There is created a standing joint committee of the legislature designated as the administrative procedures committee, composed of six members appointed as follows: three members of the house of representatives appointed by the speaker of the house, one of whom shall be a member of the minority party, and three members of the senate appointed by the president of the senate, one of whom shall be a member of the minority party. The president shall appoint the chairman in even years and the vice-chairman in odd years, and the speaker shall appoint the chairman in odd years and the vice-chairman in even years, from among the committee membership. Vacancies shall be filled in the same manner as the original appointment. Members shall serve without additional compensation but shall be reimbursed for expenses.

(2) The committee shall maintain a continuous review of the statutory authority on which each administrative rule is based and, whenever repeal, amendment, holding by a court of last resort or other factor eliminates or significantly changes such authority, the committee shall advise the agency concerned of the fact. The committee shall review administrative rules and advise the agencies concerned of its findings; have the duties prescribed by chapter 120 concerning the adoption and promulgation of rules; and generally review agency action pursuant to chapter 120 and the operation of the administrative procedure act. The committee shall report to the legislature at least annually, no later than the first week of the regular session, and recommend needed legislation or other appropriate action.

(3) The committee shall adopt rules and regulations necessary for its own organization and operation and for that of its staff, consistent with general law and the rules of each house; appoint an executive director and general counsel by majority vote of the members of the committee and fill any vacancy in that office in the same manner; have general administrative responsibility for the operations of its staff. Expenses required for the work of the committee shall be included in and paid from the appropriation for legislative expense.

Section 3. (1) The intent of the legislature in enacting this complete revision of chapter 120, Florida Statutes, is to make uniform the rule making and adjudicative procedures used by the administrative agencies of this state. To that end, it is the express intent of the legislature that the provisions of this act shall replace all other provisions in the Florida Statutes, 1973, relating to rule making, agency orders administrative adjudication or judicial review except marketing orders adopted pursuant to chapters 573 and 601, Florida Statutes, and that the division of statutory revision of the joint legislative management committee is directed to prepare a reviser's bill to conform the Florida Statutes to such intent.

(2) All administrative adjudicative proceedings begun prior to the effective date of this act shall be continued to a conclusion under the provisions of the Florida Statutes, 1973; ex-

cept that administrative adjudicatory proceedings which have not progressed to the stage of a hearing may, with the consent of all parties and the agency conducting the proceeding, be conducted in accordance with the provisions of this act as nearly as is feasible.

(3) Notwithstanding any provision of chapter 120, Florida Statutes, all public utilities and companies regulated by the public service commission shall be entitled to proceed under the interim rate provisions of chapter 364, Florida Statutes, or the procedures for interim rates contained in Committee Substitute for House Bill 1542 of the 1974 legislative session, or as otherwise provided by law.

(4)(a) All prior rules not adopted following a public hearing as provided by statute shall be void and unenforceable after October 1, 1975, and shall be stricken from the files of the department of state and from the files of the adopting agency.

(b) All rules in effect on, or filed with the department of state prior to, the effective date of this act, except those adopted following a public hearing as provided by statute, shall be forthwith reviewed by the agency concerned on the written request of a person substantially affected by the rule involved and this provision. The agency concerned shall initiate the rule making procedures provided by this act within ninety days after receiving such written request. If the agency concerned fails to initiate the rule making procedures within ninety days, the operation of the rule shall be suspended. This provision shall control §120.54(4), Florida Statutes.

(c) All existing rules shall be indexed by January 1, 1975.

Section 4. Chapter 120, Florida Statutes, consisting of sections 120.011, 120.021, 120.031, 120.041, 120.042, 120.051, 120.061, 120.071, 120.09, 120.20, 120.21, 120.22, 120.23, 120.24, 120.25, 120.26, 120.27, 120.28, 120.30, 120.31 and 120.321, is hereby repealed.

Section 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 6. Sections 120.54(9), 120.65, Florida Statutes, and section 2 of this act shall take effect October 1, 1974. The remainder of this act shall take effect January 1, 1975.

Conference Committee Amendment 2—On page 1, line 3—30, strike all of the title and insert the following:

A bill to be entitled

An act relating to administrative procedures; creating chapter 120, Florida Statutes, consisting of sections 120.50, 120.51, 120.52, 120.53, 120.54, 120.55, 120.56, 120.57, 120.58, 120.59, 120.60, 120.61, 120.62, 120.63, 120.64, 120.65, 120.66, 120.68, 120.69, 120.70, and 120.71, providing a short title; providing definitions; requiring state agencies to adopt model rules of procedure; providing procedures for rule making, filing and publication; providing an appropriation; providing for declaratory rulings by agencies; providing minimum standards for proceedings; providing procedures for agency orders and licensing; providing for representation by counsel; providing standards for agency investigations; providing exemption procedures; providing hearing officers; providing judicial review; providing penalties; providing for enforcement of agency action; providing waiver; repealing chapter 120, Florida Statutes, relating to administrative procedures; creating §11.60, Florida Statutes, providing for the administrative procedures committee, its membership, powers and duties; providing severability; providing an effective date.

On motion by Senator Barron the Conference Committee Report was adopted, CS for SB 892 passed as recommended and was certified to the House. The vote was:

Yeas—34

Mr. President	de la Parte	Glisson	Henderson
Barron	Firestone	Gordon	Lane (31st)
Brantley	Gallen	Graham	Lane (23rd)
Deeb	Gillespie	Gruber	Lewis

McClain	Saunders
Peterson	Sayler
Pettigrew	Scarborough
Plante	Sims
Poston	Smathers

Stolzenburg	Wilson
Sykes	Winn
Trask	Zinkil
Vogt	
Weber	

Nays—None

By unanimous consent Senators Childers and Myers were recorded as voting yea.

The Senate resumed consent calendar.

SB 660 and a committee substitute were taken up and on motion by Senator de la Parte—

CS for CS for HB 3102—A bill to be entitled An act relating to the state fair; creating the Florida State Fair Authority as an instrumentality of the state; providing for membership of the authority and for gubernatorial appointment with senate confirmation; providing location of fair and offices in the City of Tampa, Hillsborough County; providing powers including power to acquire and dispose of property, and borrow money; authorizing and providing procedure for the issuance of revenue bonds which shall not be a debt of the state; providing for payment of revenue bonds and interest through certain fees and charges; providing for establishment of a trust fund; requiring prior approval by the trustees of the internal improvement trust fund of transfer, lease or encumbrance of land, and providing for an option to purchase; requiring annual report to the governor; providing for tax exemption and for annual audits; providing an effective date.

—a companion measure was substituted therefor and read the second time by title.

Senator de la Parte moved the following amendments which were adopted:

Amendment 1—On page 9, line 11, strike the period (.) and insert: ; *provided, however, that the exemption granted by this section shall not be applicable to any tax imposed by chapter 220, Florida Statutes, on interest, income or profits on debt obligations owned by corporations and the property of the authority shall be subject to the provisions of section 196.199, Florida Statutes.*

Amendment 2—On page 1, line 16, after the semicolon insert: providing certain tax exemptions;

On motion by Senator de la Parte, by two-thirds vote CS for CS for HB 3102 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—27

Mr. President	Graham	McClain	Sykes
Deeb	Gruber	Myers	Trask
de la Parte	Henderson	Peterson	Vogt
Firestone	Johnson	Pettigrew	Wilson
Gallen	Johnston	Plante	Winn
Gillespie	Lane (23rd)	Poston	Zinkil
Gordon	Lewis	Sims	

Nays—2

Glisson	Stolzenburg
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By unanimous consent Senator Smathers was recorded as voting yea.

SB 660 and the committee substitute were laid on the table.

CS for HB's 3277 and 3340—A bill to be entitled An act relating to the implementation of the emergency telephone number "911"; providing a title; providing an intent; providing for a state plan; providing a system director; providing for telephone industry coordination; providing for coin telephone conversion; providing for system approval; repealing section 365.17 Florida Statutes, regarding voluntary "911" implementation; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Pettigrew, by two-thirds vote CS for HB's 3277 and 3340 was read the third time by title, passed and certified to the House. The vote was:

Yeas—30

Mr. President	Gruber	Myers	Stolzenburg
Deeb	Henderson	Peterson	Sykes
de la Parte	Johnson	Pettigrew	Trask
Firestone	Johnston	Plante	Vogt
Gallen	Lane (31st)	Poston	Winn
Gillespie	Lane (23rd)	Saylor	Zinkil
Glisson	Lewis	Sims	
Graham	McClain	Smathers	

Nays—None

On motion by Senator Stolzenburg, unanimous consent was obtained to take up out of order—

HB 455—A bill to be entitled An act relating to motor vehicle safety inspection; amending §325.12, Florida Statutes, exempting motor vehicles, sale of which constitutes an occasional or private sale from the provision of this section for a period of twenty-four hours; providing a penalty; providing an effective date.

—which was read the second time by title.

Senator Brantley moved the following amendment which was adopted:

Amendment 1—On pages 1 and 2, lines 24—30; 1—7, strike all of Section 1 after the words "safety equipment" on page 1, line 24 and insert: . *Any motor vehicle, the sale of which constitutes an occasional or private sale, shall not be sold unless the vehicle has a current valid inspection certificate; however, in the case of a motor vehicle being stored or otherwise unused and during such time the inspection certificate expires, the owner shall obtain authority from the nearest highway patrol station to drive the vehicle to the inspection station.*

On motion by Senator Stolzenburg, by two-thirds vote HB 455 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Brantley	Gruber	Plante	Ware
Deeb	Henderson	Saylor	Wilson
de la Parte	Johnston	Sims	Winn
Gallen	Lane (23rd)	Smathers	Zinkil
Gillespie	Lewis	Stolzenburg	
Glisson	Myers	Sykes	
Gordon	Peterson	Trask	
Graham	Pettigrew	Vogt	

Nays—None

HB 2496—A bill to be entitled An Act relating to education; creating section 229.825, Florida Statutes; providing for a surety bond or insurance to indemnify students from loss if any private vocational school, trade school, business school or other type of training school discontinues operations; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendments which were moved by Senator Graham and adopted:

Amendment 1—On page 2, line 16, after "attempts to" insert: operate or

Amendment 2—On page 2, line 22, insert at the end of the sentence: For the purpose of this subsection, "operate" shall include but not be limited to advertising for prospective students, and the introduction in court of any publication containing an advertisement soliciting students shall be deemed to establish prima facie the operation of the school or institute for which students are solicited.

Amendment 3—In title, line 9, after "operations;" insert: providing for injunctive relief and enforcement;

On motion by Senator Sims, by two-thirds vote HB 2496 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	Graham	Peterson	Trask
Brantley	Gruber	Pettigrew	Vogt
Childers	Henderson	Plante	Ware
Deeb	Johnson	Poston	Weber
de la Parte	Johnston	Saylor	Williams
Firestone	Lane (23rd)	Sims	Wilson
Gallen	Lewis	Smathers	Winn
Gillespie	McClain	Stolzenburg	Zinkil
Gordon	Myers	Sykes	

Nays—None

Consideration of HB 3654 was deferred.

HB 3975—A bill to be entitled An act relating to the department of community affairs; amending section 20.18, Florida Statutes, by amending paragraph (b) of subsection (3) and by adding subsections (16) and (17); providing for meetings of council on community affairs; providing for appointment by the secretary of directors or executive directors of any commission or council assigned to the department to serve at his pleasure with the advice and consent of the respective commissions or councils; providing an effective date.

—was read the second time by title.

Senator Williams moved the following amendments which were adopted:

Amendment 1—On page 2, line 9, between lines 9 and 10 insert: Section 2. Subsection (2) of section 20.18, Florida Statutes, is amended to read:

20.18 Department of community affairs.—There is created a department of community affairs.

(2) The following divisions of the department of community affairs are established:

- (a) Division of *community services economic opportunity*;
- (b) Division of emergency government;
- (c) Division of veterans' affairs;
- (d) Division of technical assistance; and
- (e) Division of training and professional development; and
- ~~(f) Division of migrant labor.~~

(renumber succeeding sections)

Amendment 2—On page 1, lines 3—14, strike the title and insert:

A bill to be entitled An act relating to the department of community affairs; amending section 20.18, Florida Statutes, by amending paragraph (b) of subsection (3) and by adding subsections (16) and (17); providing for meetings of council on community affairs; providing for appointment by the secretary of directors or executive directors of any commission or council assigned to the department to serve at his pleasure with the advice and consent of the respective commissions or councils; amending subsection (2) of section 20.18, Florida Statutes, creating the division of community services and abolishing the division of economic opportunity and the division of migrant labor; providing for a type four (4) transfer of powers, duties and functions; providing an effective date.

On motion by Senator Williams, by two-thirds vote HB 3975 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
Deeb	Johnson	Poston	Ware
de la Parte	Johnston	Saunders	Weber
Firestone	Lane (31st)	Sayler	Williams
Gallen	Lane (23rd)	Sims	Wilson
Gillespie	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4142—A bill to be entitled An act relating to prosecution for worthless checks; amending §832.06(1), Florida Statutes, relating to prosecution for worthless checks given tax collectors for specified licenses, to include hunting and fishing licenses; providing for participation of game and fresh water fish commission in enforcement procedures; requiring county tax collectors to swear out a complaint against persons for the issuance of worthless checks or drafts given as payment for any sum due his office except ad valorem taxes; providing that county tax collectors shall make a written report to the appropriate governmental entity 30 days after service of the warrant or 60 days after the collector swears out the complaint; amending §843.14, Florida Statutes, 1973, providing an exception to the compound felony statute; providing an effective date.

—was read the second time by title.

Senator Pettigrew moved the following amendments which were adopted:

Amendment 1—In title, lines 17—19, strike “amending § 843.14, Florida Statutes, 1973, providing an exception to the compound felony statute;”

Amendment 2—On page 5, line 4—25, strike all of Section 2.

On motion by Senator Pettigrew, by two-thirds vote HB 4142 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
Deeb	Johnson	Poston	Ware
de la Parte	Johnston	Saunders	Weber
Firestone	Lane (31st)	Sayler	Williams
Gallen	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 1216—A bill to be entitled An act relating to artesian wells; amending §373.209, Florida Statutes, relating to penalties for violations, to require that violations be with knowledge and intent and to provide that violation is subject to certain remedial measures or to a civil penalty of one hundred dollars (\$100) a day for each violation; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendments which were moved by Senator Vogt and adopted:

Amendment 1—On page 1, between lines 28 and 29 insert after paragraph 1(d):

(2) A well is exempt from the provisions of this section unless the department of natural resources can show that the uncontrolled flow of water from the well does not have a reasonable beneficial use as defined in section 373.019(5), Florida Statutes.

Renumber subsequent subsections.

Amendment 2—On page 1, line 11, after the word “violation;” insert: providing an exemption;

On motion by Senator Vogt, by two-thirds vote HB 1216 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	Gordon	Myers	Trask
Brantley	Graham	Peterson	Vogt
Childers	Gruber	Pettigrew	Ware
Deeb	Henderson	Poston	Weber
de la Parte	Johnson	Sayler	Williams
Firestone	Johnston	Sims	Wilson
Gallen	Lane (23rd)	Smathers	Winn
Gillespie	Lewis	Stolzenburg	Zinkil
Glisson	McClain	Sykes	

Nays—None

On motion by Senator Peterson, unanimous consent was obtained to take up out of order—

HM 2261—A memorial to the Congress of the United States, urging that the date of observance of Veterans Day be returned to the eleventh day of November of each year.

On motions by Senator Peterson, HM 2261 was read the second time in full, unanimously adopted and certified to the House.

CS for CS for HB's 2837 and 2280—A bill to be entitled An act relating to resource recovery and management; creating §§403.701—403.713, Florida Statutes; providing legislative findings, public purpose, definitions; providing powers and duties of the department of pollution control; providing for state and local resource recovery and management programs; providing for permits; providing prohibitions and penalties; establishing a resource recovery and management grant fund and advisory council; providing for a state pilot project; providing for revenue bonds and for transportation of solid waste; providing that the department of general services shall establish a collection and recycling program for waste paper materials in state offices; adding subsection (5) to §323.08, Florida Statutes, 1971, providing that the public service commission shall not discriminate against the transport of solid waste, recovered resources or recycled materials in setting motor and common carrier rates; adding paragraph (e) to §350.12(1), Florida Statutes, 1971, and adding a new subsection (5) to §352.22, Florida Statutes, 1971, providing that common carriers may grant reduced rates for transport of solid waste, recovered resources, and recycled materials; providing for appropriations; providing an effective date.

On motions by Senator Gallen, by two-thirds vote, CS for CS for HB's 2837 and 2280 was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Gruber	Myers	Stolzenburg
Brantley	Henderson	Peterson	Sykes
Childers	Johnson	Pettigrew	Vogt
Deeb	Johnston	Plante	Ware
de la Parte	Lane (31st)	Poston	Weber
Firestone	Lane (23rd)	Sayler	Wilson
Gallen	Lewis	Sims	Winn
Gillespie	McClain	Smathers	Zinkil

Nays—None

By unanimous consent Senator Graham was recorded as voting yea.

On motion by Senator Brantley, unanimous consent was obtained to take up out of order—

HB 732—A bill to be entitled An act relating to Chapter 470, Florida Statutes; directing the statutory revision department to change certain terminology in the funeral directors and embalmers law; providing an effective date.

—which was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 732 was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

Mr. President	Gordon	Peterson	Trask
Brantley	Graham	Pettigrew	Vogt
Childers	Henderson	Plante	Ware
Deeb	Johnston	Poston	Winn
de la Parte	Lane (23rd)	Sayler	Zinkil
Firestone	Lewis	Sims	
Gallen	McClain	Smathers	
Gillespie	Myers	Stolzenburg	

Nays—None

On motion by Senator Brantley, unanimous consent was obtained to take up out of order—

HB 2086—A bill to be entitled An act relating to the state board of funeral directors and embalmers; amending subsection (1) of section 470.02, Florida Statutes, providing that the director of the division of health may designate a representative to represent him on said board; providing an effective date.

—which was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 2086 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Glisson	Myers	Smathers
Brantley	Gordon	Peterson	Stolzenburg
Childers	Graham	Pettigrew	Trask
Deeb	Henderson	Plante	Vogt
de la Parte	Johnston	Poston	Ware
Firestone	Lane (23rd)	Saunders	Winn
Gallen	Lewis	Sayler	Zinkil
Gillespie	McClain	Sims	

Nays—None

On motion by Senator Poston, unanimous consent was obtained to take up out of order—

CS for HB 2263—A bill to be entitled An act relating to county officials' salaries; amending section 145.08, Florida Statutes, 1973, creating a new subsection (2); allowing school boards to set the salaries of superintendents above the maximum provided by general law; providing an effective date.

—which was read the second time by title. On motion by Senator Poston, by two-thirds vote CS for HB 2263 was read the third time by title, passed and certified to the House. The vote was:

Yeas—25

Mr. President	Gruber	Pettigrew	Ware
Childers	Henderson	Poston	Weber
de la Parte	Lane (23rd)	Sayler	Wilson
Firestone	Lewis	Sims	Zinkil
Gallen	McClain	Smathers	
Glisson	Myers	Trask	
Graham	Peterson	Vogt	

Nays—2

Johnston Williams

By unanimous consent Senator Lewis changed his vote from yea to nay.

On motion by Senator Trask, HB 2909 was withdrawn from the Committee on Commerce by two-thirds vote and placed on the local calendar.

On motion by Senator Trask, unanimous consent was obtained to take up out of order—

HB 2909—A bill to be entitled An act relating to Pasco County alcoholic beverage licenses; exempting certain golf courses in Pasco County from the provisions of §561.20(2)(a), Florida Statutes, with respect to requirements for the issuance of certain vendor's alcoholic beverage licenses; providing an effective date.

—which, on motions by Senator Trask, by two-thirds vote was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

LOCAL CALENDAR

HB 3983—A bill to be entitled An act, relating to Broward County amending Sections of Chapter 71-575, Laws of Florida, Special Acts of 1971; as amended by Chapter 72-482, Laws of Florida, Special Acts of 1972; as amended by Chapter 72-485, Laws of Florida, Special Acts of 1972; as amended by Chapter 73-427, Laws of Florida, Special Acts of 1973; and amending sections of the South Florida Building Code as enacted by Chapter 71-575 and amended by Chapter 72-485 and Chapter 72-482; amending Section 2(a) of Chapter 71-575 providing that the South Florida Building Code shall be applicable to all public or private schools notwithstanding the provisions of the Florida Education Finance Act of 1973; adding Section 3(b) of Chapter 71-575 providing that inspection of all school facilities shall be based on the minimum standards of the South Florida Building Code as applicable to Broward County, notwithstanding Section 8(4) of the Florida Education Finance Act of 1973; amending Section 203 of the South Florida Building Code providing that the membership of the Board of Rules and Appeals shall consist of 26 members; amending Section 203.1 of the Code to provide for staggered terms of office for the membership; providing an effective date.

On motions by Senators Weber, by two-thirds vote HB 3983 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

CS for HB 4047—A bill to be entitled An act relating to transportation; creating sections 348.95, 348.951, 348.952, 348.953, 348.954, 348.955, 348.956, 348.957, 348.958, 348.959, 348.96, 348.961, 348.962, and 348.963, Florida Statutes, to provide for the creation of a Seminole County expressway authority; setting forth the powers, duties, and responsibilities of the authority; providing purposes and powers for the authority; providing for the issuance of bonds in accordance with the state bond act; providing for lease-purchase agreements with the department of transportation; providing that the department of transportation may be appointed an agent of the authority for purposes of construction; providing for the acquisition of lands and property; providing a covenant not to alter the rights vested in the authority and the department until all outstanding bonds are fully paid and discharged; providing for exemption of the authority from taxation; providing eligibility of authority obligations for investment of public funds; providing for enforcement of pledges by bondholders; providing an effective date.

On motions by Senator Wilson, by two-thirds vote CS for HB 4047 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4086—A bill to be entitled An act relating to Broward County amending Chapter 24415, Laws of Florida, Special Acts of 1947, as amended, relating to the South Broward Hospital District, creating a new Section 38 to establish the fiscal year of the South Broward Hospital District commencing May 1, and ending April 30 of each calendar year, notwithstanding the provisions of Florida Statutes 218.33; providing an effective date.

—was read the second time by title. On motion by Senator Zinkil, by two-thirds vote HB 4086 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

CS for HB 4094—A bill to be entitled An act relating to Panama City, Bay County; establishing the Panama City downtown improvement board as a body corporate; prescribing the boundaries of the downtown area and the method of changing those boundaries; prescribing the number, qualifications, term, and methods of appointment and removal of members; providing for filling vacancies in office, for service without compensation, for reimbursement of expenses, for bonding, and for personal liability in certain instances; providing for bylaws and internal governance of the board; prescribing its functions and powers, including powers to acquire, own, lease, and dispose of property; requesting the City of Panama City to exercise its eminent domain power for public purposes; providing for issuing, selling and providing security for revenue certificates; providing for borrowing of moneys; fixing, regulating, and collecting rates and charges; providing for maintenance of offices; providing for employment and prescribing the duties, authority, tenure, compensation, and expense reimbursement of a director and other staff; providing for the exercise of all necessary incidental powers; providing for the city to levy in each fiscal year an ad valorem property tax of not more than three (3) mills on nonhomestead property to finance board operations; providing for assessment and collection thereof by the county; requiring maintenance of records, budget and fiscal control; forbidding participation on behalf of the board by personnel financially interested in the matter involved; providing for succession by the city to the property and certain functions of the board if it ceases to exist or operate; regulating issuance of board revenue certificates and providing for validation of bonds; prescribing scope of this act; providing for a referendum election; specifying policy as to who is eligible voter and clarifying intent as to millage limitation; providing an effective date.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote CS for HB 4094 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Firestone	Gordon	Johnson
Brantley	Gallen	Graham	Johnston
Childers	Gillespie	Gruber	Lane (31st)
de la Parte	Glisson	Henderson	Lane (23rd)

Lewis	Poston	Stolzenburg	Weber
McClain	Saunders	Sykes	Williams
Myers	Sayler	Trask	Wilson
Peterson	Sims	Vogt	Winn
Pettigrew	Smathers	Ware	Zinkil

Nays—None

HB 4152—A bill to be entitled An act for the relief of Leslie D. Brock for injuries received in the course of his duties as a deputy sheriff of Escambia County; authorizing and directing the board of county commissioners and the comptroller of Escambia County to provide Leslie D. Brock and his wife a certain sum to compensate him for his losses; providing alternative methods of payment; authorizing and directing the board to provide for the payment of such compensation in future budgets; providing an effective date.

On motion by Senator Johnson, by two-thirds vote HB 4152 was read the second time by title.

Senator Sims moved the following amendment which was adopted:

Amendment 1—On page 2, line 3, strike "and directed"

On motion by Senator Johnson, by two-thirds vote HB 4152 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4186—A bill to be entitled An act for the relief of Richard H. McDaniel; providing for the monies to compensate him for damage of his automobile through the careless operation of a lift at Motor Vehicle Inspection Station No. 0405, in Pinellas County, Florida; providing an effective date.

On motions by Senator Sayler, by two-thirds vote HB 4186 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4187—A bill to be entitled An Act for the relief of Trinity Baptist Church; providing for the monies to compensate it for damage to its bus through the careless operation of a lift at Motor Vehicle Inspection Station No. 0404, in Pinellas County, Florida; providing an effective date.

On motions by Senator Sayler, by two-thirds vote HB 4187 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Childers	Firestone	Gillespie
Brantley	de la Parte	Gallen	Glisson

Gordon	Lane (23rd)	Saunders	Vogt
Graham	Lewis	Sayler	Ware
Gruber	McClain	Sims	Weber
Henderson	Myers	Smathers	Williams
Johnson	Peterson	Stolzenburg	Wilson
Johnston	Pettigrew	Sykes	Winn
Lane (31st)	Poston	Trask	Zinkil

Nays—None

HB 4188—A bill to be entitled An act for the relief of H & H Ambulance Service, Incorporated; providing for monies to compensate for damages done to an ambulance during a shooting in Pinellas County, Florida; providing an effective date.

On motions by Senator Sayler, by two-thirds vote HB 4188 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4189—A bill to be entitled An act relating to Alachua County; amending §5 of chapter 72-463, Laws of Florida, extending the date until April 1, 1975, by which time the local government study commission for the county is required to submit its plans for improvement of local governmental agencies in the county to the members of the Alachua County Legislative delegation; providing for retroactive operation of effective date; providing an effective date.

On motions by Senator Sayler, by two-thirds vote HB 4189 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4190—A bill to be entitled An act for the relief of J. Vattamattam; providing for the monies to compensate him for damage of his automobile through the careless operation of a lift at Motor Vehicle Inspection No. 0405, in Pinellas County, Florida; providing an effective date.

On motions by Senator Sayler, by two-thirds vote HB 4190 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4193—A bill to be entitled An act relating to Martin County; providing a limitation on the method of fixing millage; providing that the county, school board, municipalities, and taxing districts shall decrease the millage required of said county, school board, municipalities, and taxing districts in proportion to the increase of the general level of assessed valuation of property; limiting increase in millage; providing further limitation for emergencies; providing for verification of budgets and millage increases; providing for publication of notice of intended tax increase; specifying millages to be excluded from the reductions required by this act; requiring local taxing authorities to maintain millage necessary to participate in state funding programs; providing for a referendum; providing an effective date.

On motions by Senator Sykes, by two-thirds vote HB 4193 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4194—A bill to be entitled An act relating to St. Lucie County; providing a limitation on the method of fixing millage; providing that the county, school board, municipalities, and taxing districts shall decrease the millage required of said county, school board, municipalities, and taxing districts in proportion to the increase of the general level of assessed valuation of property; limiting increase in millage; providing further limitation for emergencies; providing for verification of budgets and millage increases; providing for publication of notice of intended tax increase; specifying millages to be excluded from the reductions required by this act; requiring local taxing authorities to maintain millage necessary to participate in state funding programs; providing for a referendum; providing an effective date.

On motions by Senator Sykes, by two-thirds vote HB 4194 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4195—A bill to be entitled An act relating to Indian River County; providing a limitation on the method of fixing millage; providing that the county, school board, municipalities, and taxing districts shall decrease the millage required of said county, school board, municipalities, and taxing districts in proportion to the increase of the general level of assessed valuation of property; limiting increase in millage; providing further limitation for emergencies; providing for verification of budgets and millage increases; providing for publication of notice of intended tax increase; specifying millages to be excluded from the reductions required by this act; requiring local taxing authorities to maintain millage necessary to participate in state funding programs; providing for a referendum; providing an effective date.

On motions by Senator Sykes, by two-thirds vote HB 4195 was read the second time by title and by two-thirds vote was read

the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4196—A bill to be entitled An Act relating to the City of Orlando, Orange County; repealing Chapter 71-811, Laws of Florida, which granted said city the power to extend its corporate limits to certain areas adjacent thereto; which set forth procedure for annexation by ordinance, without referendum, petition or consent, when the territorial boundaries of the city surround on all sides lands not within the city's territorial boundaries; provided certain conditions in the case of public road rights-of-way and navigable ponds, lakes, streams, creeks and rivers; provided that the act was additional and supplementary to existing powers; providing an effective date.

On motions by Senator Sykes, by two-thirds vote HB 4196 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4197—A bill to be entitled An Act relating to the City of Winter Garden; repealing Chapter 73-659, Laws of Florida, which amended Article XI, Section 91 of the Charter by adding a sub-section to be numbered 91(4) to be known as described in said Act and provided a method for the City to extend corporate limits to certain areas adjacent thereto and the procedure therefore; providing an effective date.

On motions by Senator Plante, by two-thirds vote HB 4197 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4198—A bill to be entitled An act relating to Orange County; repealing chapter 31069, Laws of Florida, 1955, relating to bidding requirements of the board of public instruction of Orange County, which act prescribes the cost of authorized purchases, by the board, on which bids shall be requested, and which act provides that §237.02(2), Florida Statutes, shall no longer apply to Orange County or the district school board of Orange County, but in lieu thereof, the general laws of the state shall control.

On motions by Senator Sims, by two-thirds vote HB 4198 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4199—A bill to be entitled An act amending Chapter 71-969, Laws of Florida, relating to the City of Winter Park, Orange County; which granted the city the power to extend the corporate territorial limits of said city; set forth the procedure and provided for de-annexation powers; granted the city the power to annex when the territorial boundaries of the city abut or adjoin a parcel of land not within the territorial boundaries on any four (4) sides of such land; by deleting Section 1.1 from said Act which provided the city the power to extend its corporate limits by ordinance without referendum; providing an effective date.

On motions by Senator Plante, by two-thirds vote HB 4199 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4200—A bill to be entitled An act relating to Franklin County; authorizing the board of county commissioners to appropriate and pay certain sums of money from the county general fund to the chambers of commerce of Apalachicola and Carrabelle for promotional purposes; repealing chapter 67-1398, Laws of Florida, relating to the same subject; providing an effective date.

On motions by Senator Horne, by two-thirds vote HB 4200 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4201—A bill to be entitled An act relating to Nassau County; amending §1(1), chapter 65-733, Laws of Florida, increasing from twenty thousand dollars (\$20,000) to thirty thousand dollars (\$30,000) the race track moneys to be paid to the Nassau County recreation commission; providing an effective date.

On motions by Senator Saunders, by two-thirds vote HB 4201 was read the second time by title and by two-thirds vote was

read the third time by title, passed and certified to the House.
The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4210—A bill to be entitled An Act relating to the Village of Tequesta, Florida, created by Chapter 57-1915, Laws of Florida, Special Acts of 1957, the above being amended in its entirety by a new Charter passed by referendum on January 11, 1972, and the filing of a certified copy with the Secretary of State on February 1, 1972, to redefine the territorial boundaries of the Village of Tequesta, Florida, set forth in Article 1, Section 1.01 of the above Amendment in order to include additional territory; and providing for an effective date.

On motions by Senator Lewis, by two-thirds vote HB 4210 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House.
The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4211—A bill to be entitled An act relating to Seminole County local government; expressing the intent, scope, and purpose of the act; defining certain terms; requiring the county, municipalities, and other units of local government in Seminole County to prepare and adopt comprehensive plans to guide future development in the manner set out in this act; requiring the establishment of local land planning agencies; requiring local planning agencies to have responsibility for preparation of comprehensive plans and to recommend such plans to governing bodies; establishing required and optional elements of a comprehensive plan; requiring public participation in the planning process; providing procedures and setting out the role of the governing body for adoption and amendment of adopted comprehensive plans; requiring periodic evaluation and appraisal of adopted comprehensive plans; establishing the legal status and effect of adopted comprehensive plans and for the status and effect of prior adopted comprehensive plans; relating adopted comprehensive plans to exercise of land regulatory authority; providing for the status of adopted comprehensive plans in judicial proceedings; providing for the adoption of land development regulations by local governments; allowing consideration of economic impact of developments and timing of development; providing a severability clause; providing an effective date.

On motions by Senator Wilson, by two-thirds vote HB 4211 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House.
The vote was:

Yeas—36

Mr. President	Gillespie	Johnson	Myers
Brantley	Glisson	Johnston	Peterson
Childers	Gordon	Lane (31st)	Pettigrew
de la Parte	Graham	Lane (23rd)	Poston
Firestone	Gruber	Lewis	Saunders
Gallen	Henderson	McClain	Sayler

Sims	Sykes
Smathers	Trask
Stolzenburg	Vogt

Nays—None

Ware
Weber
Williams

Wilson
Winn
Zinkil

HB 4213—A bill to be entitled An act relating to Walton County; amending §2 of chapter 13528, Laws of Florida, 1927, as amended by chapter 65-2368, Laws of Florida, to provide for appointment of trustees of the county hospital board of trustees by the county commissioners rather than by the governor; providing for a referendum.

On motions by Senator Johnston, by two-thirds vote HB 4213 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House.
The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4214—A bill to be entitled An act relating to Escambia County; amending chapter 69-1049, Laws of Florida, as amended; creating a governmental executive board; providing definitions; providing for membership of the board; providing powers of the board; providing for cooperation with other units of government; providing for appropriations and special funds; providing for the issuance of bonds, notes or certificates; providing for investment of funds in bonds or revenue certificates; providing for a governmental building area; providing that ad valorem taxes be used only if approved by vote of the electors; placing certain questions on the ballot; providing for severability; providing an effective date.

On motion by Senator Johnston, by two-thirds vote HB 4214 was read the second time.

Senator Childers moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of lines 2 through and including 4 and insert: three additional questions on the ballot designed to determine the choice of the electors with regard to the preferred location of the proposed new judicial building, and with regard to the proposed construction of a city-county complex and the preferred location of such.

Amendment 2—On page 1, line 5, following "complex." insert: Voting on these questions shall be held on September 10, 1974.

On motion by Senator Johnston, by two-thirds vote HB 4214 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4217—A bill to be entitled An act providing for the continuation and maintenance of a county law library in Brevard County, called the A. Max Brewer Memorial Law Library, for the use of the Judges, attorneys and officers of the courts and general public of said county, and of county

officials; declaring the establishment and maintenance of said library to be a public need; providing for a board of trustees to operate said law library and authorizing said board of trustees to prescribe and enforce rules and regulations as to said library; the expenditure of said funds in said library; and providing that any property acquired by said library by purchase, donation or otherwise be deemed to be held and used as a charitable public trust; providing an effective date.

On motions by Senator Vogt, by two-thirds vote HB 4217 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4224—A bill to be entitled An act relating to Hillsborough County, hospital and welfare board; amending section 7 of chapter 63-1402, Laws of Florida, as amended, providing for an additional one half (½) mill per annum for the fiscal year ending September 30, 1975, on all taxable property in the county; providing an effective date.

On motions by Senator McClain, by two-thirds vote HB 4224 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4225—A bill to be entitled An act relating to Escambia County, Florida; establishing a merit system of personnel administration for the civil service of the county; providing for a governing board; providing powers and authorities; providing appropriations by county; repealing chapters 67-1370, 71-628, 72-534, 72-536, 72-538, 73-463, Laws of Florida, which presently relate to the Escambia County civil service board; providing an effective date.

On motions by Senator Childers, by two-thirds vote HB 4225 was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4226—A bill to be entitled An act relating to Nassau County; amending §1 of chapter 73-562, Laws of Florida,

changing the date for the election of members to the Amelia Island Mosquito Control District from the general election in 1976 to the general election in 1974; providing an effective date.

On motions by Senator Saunders, by two-thirds vote HB 4226 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4227—A bill to be entitled An act relating to the City of New Port Richey, Pasco County; amending chapter 21419, Laws of Florida, 1941, as superseded by section 1 of chapter 67-1752, Laws of Florida; providing for the redesignation and redescription of the boundaries of said municipality; providing an effective date.

On motions by Senator Trask, by two-thirds vote HB 4227 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 3483—A bill to be entitled An act relating to oyster conservation in Duval County, Florida; regulating the transportation of oysters while still in the shell; providing an exception for private consumption; providing that violation is a misdemeanor; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 3483 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

Consideration of Senate Bills 199, 693, 1088, 1112, House Bills 3332, 3333 and 3917 was deferred.

HB 4064—A bill to be entitled An act relating to Volusia County; providing a definition; amending §2 of chapter 20187, Laws of Florida, 1939, and §3 of chapter 18964, Laws of Florida, 1937, as amended, permitting public school teachers to become permanent employees of the district school system of Volusia County by earning district in-service education points equivalent to present educational and occupational tenure requirements; permitting teachers in Volusia County to earn equivalent dis-

strict in-service education points in lieu of certain educational requirements for purposes of maintaining the status of permanent employees; providing an effective date.

—was read the second time by title. On motion by Senator Gillespie, by two-thirds vote HB 4064 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

Consideration of House Bills 4104, 4105 and 4106 was deferred.

HB 4113—A bill to be entitled An act relating to Pinellas County; amending subsection (1) of section 3, Chapter 73-594, Laws of Florida, providing for an additional member on the Pinellas Planning Council by giving Tarpon Springs, Oldsmar and Safety Harbor a rotating member; providing terms; amending subsection (4) of section 4, Chapter 73-594, Laws of Florida, changing the number of members necessary to constitute a quorum; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote HB 4113 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

HB 4127—A bill to be entitled An act relating to Pinellas County; repealing Chapter 72-659, Laws of Florida, in Sections 23, 24, 25 and 26, Township 31 South, Range 16 East, and in Sections 19, 20, 29 and 30, Township 31 South, Range 17 East, Pinellas County, which provided for approval by referendum prior to putting into effect any community redevelopment project set forth in Chapter 163, Florida Statutes, and providing alternative methods; providing an effective date.

—was read the second time by title.

Senator Deeb moved the following amendments which were adopted:

Amendment 1—Strike everything after the enacting clause and insert: Section 1. Any project undertaken under the authority of Senate Bill 694, 1974 regular session, shall be exempt from the provisions of chapter 72-659, Laws of Florida, provided that the only moneys used in such project are those raised from ad valorem tax levies under Senate Bill 694, 1974 regular session.

Section 2. This act shall take effect upon becoming a law.

Amendment 2—Strike title and insert: An act relating to Pinellas County; exempting certain projects from the provisions of chapter 72-659, Laws of Florida; providing an effective date.

On motion by Senator Deeb, by two-thirds vote HB 4127 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

Consideration of HB 4134 was deferred.

HB 4146—A bill to be entitled An act relating to Pinellas County; requiring as a condition precedent to the approval of any plats, development site plan, request for a zoning change pertaining to residential zoning, of five or more acres, a notification to the school board; providing an effective date.

—was read the second time by title. On motion by Senator Deeb, by two-thirds vote HB 4146 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

Consideration of HB 4148 was deferred.

HB 4149—A bill to be entitled An act relating to Pinellas County; providing a uniform election day for municipal office and straw vote elections in Pinellas County in each odd numbered year; providing election dates and procedures for run off elections; providing for the application of the act to any municipality in the county which adopts the provisions of the act in a referendum.

—was read the second time by title.

Senator Deeb moved the following amendments which were adopted:

Amendment 1—On page 3, line 16, after the word "act." insert: , provided, however, that nothing contained herein shall be construed to extend the term of any officer beyond the maximum term permitted pursuant to the provisions of Section 1 of Article III of the State Constitution and provided further that any vacancy created by the provisions of this act shall be filled pursuant to the provisions of the applicable law of the municipality

Amendment 2—On page 2, lines 2 and 7, page 3, line 9, strike "November" and insert: March

On motion by Senator Deeb, by two-thirds vote HB 4149 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

On motion by Senator Scarborough, HB 3927 was withdrawn from the Committee on Rules and Calendar by two-thirds vote and placed on the local calendar.

HB 3927—A bill to be entitled An act for the relief of Thomas W. Baine; directing the Leon County School Board to investigate and determine the amount of damages sustained by Mr. Baine, as a result of entering into an agreement with authorized representatives of the Lively Area Vocational-Technical School, Tallahassee for the repair of one Colonial C-1 aircraft owned by him, and to pay Mr. Baine an amount not to exceed ten thousand dollars (\$10,000) as compensation; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 3927 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Saylor	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 79

Honorable Mallory E. Horne
President of the Senate

May 31, 1974

Honorable T. Terrell Sessums
Speaker, House of Representatives

Dear Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on House Amendments 1 and 2 to the Committee Substitute for Senate Bill 79, same being:

An act relating to land transactions; providing that persons or entities holding real property in any form of representative capacity shall make a written public disclosure of every person having a beneficial interest in the real property, however, small or minimal, before the real property held in representative capacity is sold or leased, taken by eminent domain or otherwise conveyed to the state or to any local governmental unit or agency of either; providing notice of persons required to make disclosure; providing exemptions; providing severability; providing an effective date.

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

1. That the House of Representatives recede from House Amendments 1 and 2 to CS/SB 79.

MURRAY H. DUBBIN
CARL OGDEN
JOHN C. MALLOY

RALPH R. POSTON
D. ROBERT GRAHAM
PHILIP D. LEWIS

Managers on the part of the
House of Representatives

Managers on the part of the
Senate

CS for SB 79—A bill to be entitled An act relating to land transactions; providing that persons or entities holding real property in any form of representative capacity shall make a written public disclosure of every person having a beneficial interest in the real property, however, small or minimal, before the real property held in representative capacity is sold or leased, taken by eminent domain or otherwise conveyed to the state or to any local governmental unit or agency of either; providing notice of persons required to make disclosure; providing exemptions; providing severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Any person or entity holding real property in the form of a partnership, limited partnership, corporation, trust or in any form of representative capacity whatsoever for others, except as otherwise provided in this act, shall make a public disclosure in writing, under oath subject to the penalties prescribed for perjury, which shall state his name and address, and the name and address of every person having a beneficial interest in the real property, however small or minimal, before entering into any contract whereby real property held in representative capacity is sold or leased, taken by eminent domain, or otherwise conveyed to the state or to any local governmental unit, or agency of either. This written disclosure shall be made to the chief officer, or to his officially designated representative, of the state, local governmental unit, or agency of either with which the transaction is made at least ten days prior to the time of closing or within forty-eight hours after the time when the required sum is deposited in the registry of the court in the case of an eminent domain taking. Notice of the deposit shall be made to the person or entity by registered or certified mail, before the 48 hour period begins.

Section 2. The state, local governmental unit or agency of either, shall send written notice by registered mail to the person required to make disclosures under this act prior to the time when such disclosures are required to be made, which written request shall also inform the person required to make such disclosure that such disclosure must be made under oath, subject to the penalties prescribed for perjury.

Section 3. Stock in corporations registered with the federal securities exchange commission or corporations registered pursuant to chapter 517, Florida Statutes, and whose stock is for sale to the general public is hereby exempt from the provisions of this act. When disclosure of persons having beneficial interests in trusts is required, the person shall not be required by the provisions of this act to disclose persons having less than five percent vested, noncontingent beneficial interest in the trust.

Section 4. Any entity or person, other than a public officer or public employee, holding real property in the form of a trust which was created more than three years prior to the deposit of the required sum in the registry of the court in the case of an eminent domain taking is hereby exempt from the provisions of this act; provided, in order to qualify for the exemption set forth in this section the trustee of such trust shall be required to certify within forty-eight hours after such deposit, under penalty of perjury, that no public officer or public employee has any beneficial interest whatsoever in such trust and further provided that disclosure of any changes in the trust instrument or persons having beneficial interest in the trust shall be made if such changes occurred during the three years prior to the deposit of said sum in the registry of the court.

Section 5. This act shall be liberally construed to accomplish the purpose of requiring the identification of the actual parties benefiting from any transaction with a governmental unit or agency involving the procurement of the ownership or use of property by such governmental unit or agency.

Section 6. It is declared to be the legislative intent that, if any section, subsection, clause or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 7. This act shall take effect on October 1, 1974.

Amendment 1—On page 1, line 19, strike everything after the enacting clause and insert the following: Section 1. Neither the state, a county, municipality, or special district nor any of the departments, agencies, bureaus, commissions, or officers thereof shall enter into any contract, lease, or agreement, nor shall they agree to the settlement of any litigation whether pending or threatened, nor shall they enter into any agreement involving economic or legal benefit, nor shall they grant variances in zoning codes to any:

(1) Trust, whether operating under the provision of chapter 691, Florida Statutes, or otherwise, except upon a public disclosure by the trust of the names and current addresses of each beneficiary of the trust then having a beneficial interest in such trust; provided, however, in the event the trust has in excess of fifty (50) beneficiaries, the trust shall not be required to dis-

close the names and current addresses of any beneficiary having less than a five percent (5%) beneficial interest in such trust.

(2) Business entity or enterprise operating under a fictitious name, partnership or limited partnership, except upon public disclosure by such entity or enterprise of the names and current addresses of all those having an interest in the entity or enterprise and the extent of the interest on each.

(3) Corporation not registered pursuant to chapter 517, Florida Statutes, or the federal securities exchange commission, except upon public disclosure by such corporation of the names and current addresses of all shareholders in the corporation.

(4) Any person or entity holding property in any form of representative capacity whatsoever for others, except as otherwise provided in this act, except upon public disclosure of the name and address of every person having financial or legal interest in the property held in representative capacity.

Any contract or written agreement executed in the absence of such a public disclosure or executed following negotiations at which such public disclosure was withheld or was materially incomplete or false is declared to be voidable within one (1) year from the date of execution of such contract or agreement at the option of the state, county, municipality, special district, or other appropriate public contracting party. On or before the expiration of said one (1) year period the state, county, municipality, special district or other appropriate public contracting party shall furnish all persons who have entered into any such contract or agreement with a certificate, in recordable form, stating that the contract or agreement or has not been voided, as the case may be, and in the event that any such contract or agreement affects real estate or has been recorded or filed in any public office of this state, then, in either event, said certificate shall be recorded by the state, county, municipality, special district or other appropriate public contracting party in the public records of the county in which such real estate is located or recorded or filed in the public office in which the original contract or agreement was recorded or filed. In the event that the state, county, municipality, special district, or other appropriate public contracting party shall fail to record or file said certificate as provided herein within said one (1) year period, it shall be conclusively presumed that the state, county, municipality, special district, or other appropriate public contracting party did not, within the time permitted, exercise its option to void such contract or agreement.

Section 2. Any trust, business entity, enterprise, or corporation subject to the provisions of section 1 which conveys to a third party any interest which is subject to a contract, lease, or agreement with any public agency as set forth in section 1, shall, pursuant to such conveyance, provide the third party with an affidavit acknowledged under oath that the public disclosure provisions of this act were fully complied with. Any person who makes a false affidavit under the provisions of this act is guilty of perjury and shall be subject to punishment as provided by §837.01, Florida Statutes.

Section 3. The disclosures required by this act shall not be required to be given by financial institutions regulated by the government of any state or the federal government when such financial institutions receive deposits, issue evidence of indebtedness therefor, or otherwise transact normal banking activities with the state, a local governmental unit or agency of either, nor shall such disclosures be required for the purchase of commodities when the purchase price thereof is less than one thousand dollars (\$1,000).

Section 4. Public disclosures made pursuant to the requirements of this act shall be made under oath, subject to the penalties prescribed for perjury, by the trustee or by the responsible officer of the business entity prior to the completion of any transaction with the state, a local governmental unit or an agency of either. The disclosure shall be made to the state or to the local governmental unit, or agency of either with which the transaction is made. Disclosures shall be made at the time of entry into agreement, except that in the case of an eminent domain taking, such disclosure shall be made within forty-eight (48) hours after the time when the required sum is deposited in the registry of the court. The state, local governmental unit or agency of either shall send written notice by registered mail to the person required to make disclosures required by this act prior to entering into a contract or written agreement, or prior to depositing the required sum into the registry of the court in eminent domain proceedings, which written request shall also

inform the person required to make such disclosure that such disclosure must be made under oath, subject to the penalties prescribed for perjury.

Section 5. It is declared to be the legislative intent that, if any section, subsection, clause, or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 6. This act shall take effect upon becoming a law.

Amendment 2—Strike the entire title and insert the following: A bill to be entitled An act relating to public business; requiring trusts, fictitious name enterprises, partnerships or limited partnerships, persons or entities holding property in any form of representative capacity whatsoever for others, and certain corporations to disclose their beneficiaries, parties in interest, persons having beneficial interest, and shareholders, respectively, pursuant to executing contracts and agreements with state or local agencies or being granted variances in zoning codes; providing for voidability of contracts in violation; providing a time limit to assert voidability; requiring affidavits of disclosure upon conveyance of interests; providing a penalty; providing certain exemptions; providing that the trustee or responsible officer of the business entity shall make required disclosure under oath; providing notice to person required to make disclosure; providing severability; providing an effective date.

On motion by Senator Poston the Conference Committee Report as an entirety was adopted, CS for SB 79 passed as recommended, and was certified to the House. The vote was:

Yeas—26

Mr. President	Johnson	Saylor	Vogt
Brantley	Lewis	Scarborough	Ware
Firestone	McClain	Sims	Williams
Gillespie	Peterson	Smathers	Winn
Glisson	Plante	Stolzenburg	Zinkil
Gruber	Poston	Sykes	
Henderson	Saunders	Trask	

Nays—None

By unanimous consent Senators Wilson, Myers and Graham were recorded as voting yea.

On motion by Senator Barron, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended HB 3073 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Tucker (by request) and others—

HB 3073—A bill to be entitled An act relating to state financial assistance for community services; creating part IV of chapter 218, Florida Statutes; providing a legislative intent; providing definitions of department, local governing authority, private corporation and a program for community services; providing for the creation and distribution of a community services trust fund; providing for accountability of funds; providing a severability clause; providing an effective date.

—was read the first time by title and placed on the calendar.

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1, 2, 3, 4, 5 and 6 to HB 4132 and requests the Senate to recede.

By Representative Grizzle and others—

HB 4132—A bill to be entitled An Act relating to Pinellas County, creating the Pinellas County Sanitary Sewage Treat-

ment task force; providing the task force shall develop a workable plan of consolidated sanitary sewage treatment on a county wide basis and submit such plan to the members of the Legislature from Pinellas County, and the Board of County Commissioners; providing for periodic reports and for a final report; providing for the membership, appointment, terms, organization, duties and powers of the task force; providing certain services for the use of the task force; providing an effective date.

Allen Morris, Clerk

On motions by Senator Saylor the Senate refused to recede from Senate Amendments 1, 2, 3, 4, 5 and 6 to HB 4132 and again requested the House to concur. The action of the Senate was certified to the House.

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1, 2, 3, 4, 5 and 6 to HB 4133 and requests the Senate to recede.

By Representative Easley and others—

HB 4133—A bill to be entitled An act relating to Pinellas County, creating the Pinellas County solid waste disposal task force; providing the task force shall develop a workable plan of consolidated solid waste disposal on a county-wide basis and submit such plan to the members of the Legislature from Pinellas County; providing for periodic reports and for a final report; providing for the membership, appointment, terms, organization, duties and powers of the task force; providing an appropriation directing the Board of County Commissioners to provide certain services for the use of the task force; providing an effective date.

Allen Morris, Clerk

On motions by Senator Saylor the Senate refused to recede from Senate amendments 1, 2, 3, 4, 5 and 6 to HB 4133 and again requested the House to concur. The action of the Senate was certified to the House.

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to HB 4088 and requests the Senate to recede.

By Representative Wilson and others—

HB 4088—A bill to be entitled An Act relating to Pinellas County; amending subsection (1), section 7, chapter 73-594, Laws of Florida, amending the right of the board of county commissioners to review the budget of the Pinellas County Planning Council allowing increases or reductions; amending subsection (8), section 9, chapter 73-594, Laws of Florida, providing for a veto of plans, codes and regulations adopted by the council; repealing subsection (8), section 5, chapter 72-594, Laws of Florida, relating to the adoption of plans, codes and regulations by the council; amending Chapter 73-603, Laws of Florida eliminating Task Force and assigning all powers and duties of Task Force to Pinellas Planning Council; providing an effective date.

Allen Morris, Clerk

On motions by Senator Saylor the Senate refused to recede from Senate Amendments 1 and 2 to HB 4088 and again requested the House to concur. The action of the Senate was certified to the House.

SPECIAL ORDER

SB 658 was taken up and on motion by Senator Williams—

HB 3372—A bill to be entitled An act authorizing expenditures for fixed capital outlay projects at community colleges, area vocational-technical centers, and institutions under the board of regents; providing an effective date.

—a companion measure was substituted therefor. On motion by Senator Williams, by two-thirds vote HB 3372 was read the second time by title.

Senator Graham moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of lines 23 and 24 and insert: (a) Thirty-one million six hundred forty-eight thousand seven hundred dollars (\$31,648,700) shall be allocated by the state board

Amendment 2—On page 2, strike all of lines 16 and 17 and insert: (b) Twenty-four million six hundred eighty-nine thousand three hundred dollars (\$24,689,300) shall be allocated by the state

Amendment 3—On page 3, strike all of lines 7 and 8 and insert: (c) Twenty-six million five hundred twelve thousand dollars (\$26,512,000) shall be allocated

Senator Gordon offered the following amendment which was moved by Senator Graham and adopted:

Amendment 4—On page 3, line 15, strike the period (.) and insert: Semicolon (;) and for acquisition of facilities for a branch campus in Pinellas County.

Senator Graham moved the following amendment which was adopted:

Amendment 5—On page 3, lines 16—26, strike all of subsection (d) and reletter subsequent sub-sections

Senator Saunders moved the following amendment which was adopted:

Amendment 6—On page 3, line 15 strike the period (.) and insert: ; provided, however, that \$1,500,000 of these funds shall be used for University of Florida Health Center equipment and \$200,000 shall be used for Florida State University dormitories to allow use by handicapped persons.

On motion by Senator Williams, by two-thirds vote HB 3372 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Mr. President	Graham	Myers	Vogt
Brantley	Gruber	Poston	Ware
de la Parte	Henderson	Scarborough	Weber
Firestone	Johnson	Sims	Williams
Gallen	Lane (23rd)	Smathers	Wilson
Gillespie	Lewis	Sykes	Winn
Glisson	McClain	Trask	Zinkil

Nays—None

By unanimous consent Senator Peterson was recorded as voting yea.

SB 658 was laid on the table.

SB 659 was taken up and on motion by Senator Graham—

HB 3371—A bill to be entitled An act authorizing the state board of education to issue bonds in the amount of one hundred seventeen million dollars (\$117,000,000) during the 1973-75 biennium in accordance with the provisions of §9, Article XII of the Constitution of the State of Florida; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Graham, by two-thirds vote HB 3371 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Glisson	Lane (23rd)	Poston
Brantley	Gordon	Lewis	Saunders
de la Parte	Graham	McClain	Sims
Firestone	Gruber	Myers	Smathers
Gallen	Johnson	Peterson	Sykes
Gillespie	Lane (31st)	Pettigrew	Trask

Vogt
Ware

Weber
Williams

Wilson
Winn

Zinkil

Nays—1

Stolzenburg

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 171

Honorable Mallory E. Horne
President of the Senate

May 31, 1974

Honorable T. Terrell Sessums
Speaker, House of Representatives

Dear Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on Senate Amendments 1-A and 2-A, B, C to House Amendments 1 and 2 to Senate Bill 171, same being:

An act relating to operation of a motor vehicle while under the influence of alcohol; amending Section 322.262(2)(d), Florida Statutes; providing basis for determination of percent of alcohol in blood; providing an effective date.

having met, and after full and free conference, we have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate and the House of Representatives adopt Conference Committee Amendments 1 and 2 to said Senate Amendments 1-A and 2-A, B, C, said Conference Committee Amendment attached hereto, and by reference made a part of this report.

RALPH R. POSTON
JOHN T. WARE
ALAN TRASK

JACK SHREVE
FRED JONES
RICHARD H. LANGLEY

Managers on the part of the Senate

Managers on the part of the House of Representatives

Conference Committee Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. Chapter 318, Florida Statutes, is created to read:

318.11 Short title.— This act may be known and cited as the "Florida uniform disposition of traffic infractions act."

318.12 Purpose.— It is the legislative intent in the adoption of this act to decriminalize certain violations of chapter 316, the Florida uniform traffic control law; chapter 325, part II, safety equipment inspection of motor vehicles; chapter 339, Florida highway code, sixth part; chapter 239, universities; and chapter 340, turnpike projects; thereby facilitating the implementation of a more uniform and expeditious system for the disposition of traffic infractions.

318.13 Definitions.— The following words and phrases, when used in this chapter shall for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(1) DEPARTMENT.— Any reference herein to department shall be construed as referring to the department of highway safety and motor vehicles, defined in section 20.24, or the appropriate division thereof.

(2) SUSPENSION.— A licensee's privilege to drive a motor vehicle is temporarily withdrawn.

(3) INFRACTION.— A noncriminal violation which is not punishable by incarceration for which there is no right to a trial by jury or a right to court appointed counsel.

(4) OFFICIAL.— Any state or municipal judge authorized by law to preside over a court or hearing adjudicating traffic infractions.

(5) OFFICER.— Any law enforcement officer charged with and acting under his authority to arrest persons suspected or known to be violating statutes or ordinances regulating the operation or equipment of vehicles, or the regulation of traffic.

318.14 Noncriminal traffic infractions; exception; procedures.—

(1) Except as provided in section 318.17, any person cited for a violation of chapter 316 or chapter 325, part II, or section 339.30 or section 340.23 or section 239.55 shall be deemed to be charged with a noncriminal infraction and shall be cited for such an infraction and cited to appear before an official.

(2) Any person cited for an infraction under this section may post a bond which shall be equal in amount to the applicable civil penalty established in section 318.18 or sign and accept a citation indicating a promise to appear. The officer may indicate on the traffic citation the time and location of the scheduled hearing, and shall indicate the applicable civil penalty established in section 318.18.

(3) Any person who willfully refuses to post a bond or accept and sign a summons shall be guilty of a misdemeanor of the second degree.

(4) Any person charged with a noncriminal infraction under this section may pay the civil penalty within ten days of the date of receiving the citation either by mail or in person, or if he has posted bond, he may forfeit bond by not appearing at the designated time and location. If the person cited follows either of the above procedures, he shall be deemed to have admitted the infraction and to have waived his right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings.

(5) Any person electing to appear before the designated official or who is required to so appear shall be deemed to have waived his right to the civil penalty provisions of section 318.18. The official after a hearing shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the official may impose a civil penalty not to exceed \$500 or require attendance at a driver improvement school or both.

(6) The commission of a charged infraction at a hearing under this chapter must be proved beyond a reasonable doubt.

(7) The official having jurisdiction over the infraction shall certify to the department within ten days after payment of the civil penalty or forfeiture of bond that the defendant has admitted to the infraction. If the charge results in a hearing, the official having jurisdiction shall certify to the department the final disposition within ten days of the hearing.

(8) When the report of a determination or admission of an infraction is received by the department, the department shall proceed to enter the proper number of points on the licensee's driving record in accordance with section 322.27, Florida Statutes.

318.15 Failure to comply with the civil penalty; to appear; to post bond; penalty.— If a person fails to post bond and fails to appear at the hearing without having paid the civil penalty, or attend driver improvement school if imposed, or fails to pay the civil penalty imposed, his driver's license and privilege shall be deemed suspended. Said suspension shall be effective on the date the person fails to appear at the hearing as set forth above or fails to comply with the civil penalty imposed.

318.16 Appeals; stay orders; procedures.—

(1) If a person is found to have committed an infraction by the hearing official, he may appeal that finding to the circuit court. An appeal under this subsection shall not operate to stay the reporting requirements of section 318.14(7) nor to stay appropriate action by the department upon receipt of that report.

(2) The circuit court upon application by the appellant may:

(a) Order a stay of any action by the department during pendency of the appeal, but not to exceed a period of sixty days. A copy of the order shall be forwarded to the department.

(b) Deny the application.

318.17 Offenses excepted.—No provisions of this chapter shall be available to persons charged with the following offenses:

(a) Fleeing or attempting to elude a police officer in violation of section 316.019, Florida Statutes.

(b) Leaving the scene of an accident in violation of sections 316.027 and 316.061, Florida Statutes.

(c) Driving or being in actual physical control of any vehicle while under the influence of alcoholic beverages, or driving with an unlawful blood alcohol level, model glue, or any substance controlled under chapter 893, in violation of section 316.028 or section 860.01, Florida Statutes.

(d) Reckless driving in violation of section 316.029, Florida Statutes.

(e) Making false accident reports in violation of section 316.067.

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to section 318.14(1), (2) and (4) shall be as follows:

(1) Five dollars for all infractions of bicycle regulations, section 316.111, and infractions of pedestrian regulations, section 316.057.

(2) Fifteen dollars for all non-moving traffic violations.

(3) Twenty-five dollars for all moving violations not requiring a mandatory appearance.

(4) The penalty imposed under section 316.200 shall be determined by the officer in accordance with the provisions of section 316.199 and 316.200.

318.19 Infractions requiring a mandatory hearing.—Any person cited for the infractions listed in this section shall not have the provisions of section 318.14(2) and (4) available to him and must appear before the designated official at the time and location of the scheduled hearing.

(1) Any infraction which results in an accident that caused the death or personal injury of another or property damage in excess of two-hundred and fifty dollars.

(2) Any infraction which would if the person is convicted result in the suspension or revocation of his driver's license or privilege under sections 322.26 and 322.27.

(3) Speeding in excess of 25 miles per hour over the lawful speed limit.

318.20 Notification; duties of department.—The department shall prepare a notification form to be appended to or incorporated as a part of the Florida uniform traffic citation issued in accordance with section 316.018. The notification form shall contain language informing persons charged with infractions to which this chapter applies of the procedures available to them under this chapter. Such notification shall contain a schedule of points to be assessed against a person's driving record in accordance with section 322.27, Florida Statutes, and a schedule of civil penalties applicable to infractions under this chapter, in accordance with section 318.18.

318.21 Disposition of civil penalties and forfeitures by county courts.—All civil penalties and forfeitures received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly to the municipalities and counties, respectively, in the same manner, upon the same bases, and upon the same terms and conditions, that fines and forfeitures are distributed and paid to municipalities and counties under the provisions of section 316.0261, Florida Statutes.

Section 2. Section 316.026, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 316.026, Florida Statutes, 1971, for present text.)

316.026 Penalties.—

(1) A violation of any of the provisions of this chapter except criminal offenses enumerated in subsection (4) of this section shall be deemed to be infractions as defined in section 318.13(3).

(2) Infractions of this chapter which do not result in a hearing shall be subject to the civil penalties provided in section 318.18.

(3) Infractions of this chapter which do result in a hearing shall be subject to a civil penalty not to exceed five hundred dollars. For an infraction resulting in a hearing a person may

be required to attend a driver improvement school in lieu of or in addition to the civil penalty imposed.

(4) Any person convicted of a violation of sections 316.019, 316.027, 316.028, 316.029, 316.061, and 316.067, Florida Statutes, shall be punished as specifically provided in such sections.

Section 3. Section 316.061, Florida Statutes, is amended to read:

316.061 Accidents involving damage to vehicle or property.—

The driver of any vehicle involved in an accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, and shall forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 316.062. Every stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements shall, upon conviction, be punished as provided in section 316.026, by a fine of not more than five hundred dollars or by imprisonment for not more than sixty days or by both such fine and imprisonment.

Section 4. Section 316.067, Florida Statutes, is amended to read:

316.067 False reports.—

Any person who gives information in oral or written reports as required in this chapter knowing or having reason to believe that such information is false shall be punished as provided in section 316.026, by a fine for not more than five hundred dollars or by imprisonment for not more than sixty days or both such fine and imprisonment.

Section 5. Section 316.112, Florida Statutes, is amended to read:

316.112 Penalties for violation of bicycle regulations.—

Any person not a juvenile, as such is defined by the laws of this state, found guilty of a violation of any provisions found in section 316.111 shall be punished by a fine of not more than \$25 civil penalty in accordance with section 318.18 or by impounding of such person's bicycle for a period not to exceed 90 days. Upon the recommendation of a judge of a juvenile court or a competent court having jurisdiction over the person of a minor, the state, county, or municipal authority may impound such minor's bicycle for such period as the court may determine.

Section 6. Section 316.164, Florida Statutes, is amended to read:

316.164 Parking near rural mailbox during certain hours; penalties.—

Whoever parks any vehicle within thirty feet of any rural mailbox upon any state highway in this state between 8 a.m. and 6 p.m. shall be punished by a fine not exceeding \$30 or by imprisonment not exceeding thirty days, as provided in section 316.026.

Section 7. Subsection (3) of section 339.30, Florida Statutes, is amended to read:

339.30 Unlawful use of limited access facilities; penalties.—

(3) Any person who violates any of the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in sections 775.082 or 775.083, shall be punished in accordance with section 316.026.

Section 8. Subsection (1) of section 340.23, Florida Statutes, is amended to read:

340.23 Traffic control.—

(1) The department is hereby authorized to adopt and promulgate rules and regulations with respect to the use of a project, which rules and regulations shall relate to vehicular speeds, loads and sizes, safety devices, rules of the road and such other matters, including but not limited to the failure or refusal to pay the toll provided for the use of a project, as may be necessary and proper to regulate traffic in the interest of safety, the maximum convenience of the persons using the project, preservation of a project from unwarranted damage

and to carry out the purpose of this chapter. Such rules and regulations, shall apply according to their terms to all sections of a project under the jurisdiction of the department, their feeder roads and structures and other appurtenances. Insofar as such rules and regulations may be inconsistent with the provisions of the vehicle and traffic laws of this state, such rules and regulations shall be controlling. Violation of such rules and regulations shall constitute a misdemeanor of the second degree, punishable as provided in sections 775.082 or 775.083, be punished in accordance with section 316.026. Such rules and regulations shall not take effect until published in a newspaper of general circulation published in Dade County, and such other publications as the department may determine, and duly filed in the department of state.

Section 9. Section 239.55, Florida Statutes, is amended to read:

239.55 Violations; penalties.—

Any person who violates any of said rules or regulations or applicable municipal ordinances, or who fails or refuses to obey the direction or order of any law enforcement officer directing or regulating traffic on the grounds of an institution of higher learning, shall be guilty of a misdemeanor and, upon conviction, be punished by the same fines and penalties as may be provided and limited by the charter of the adjacent municipality for punishment of offenses against its laws and ordinances, punished in accordance with section 316.026.

Section 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 11. This act shall take effect January 1, 1975.

Conference Committee Amendment 2—Strike title and insert: A bill to be entitled An act relating to the adjudication of traffic infractions; creating chapter 318, Florida Statutes, to be known as the "Florida uniform disposition of traffic infractions act"; providing definitions; providing for decriminalization of certain traffic violations; establishing procedures for adjudication of traffic infractions; establishing standard statewide civil penalties for infractions; providing for mandatory hearings for certain infractions; establishing notification duties of the department; amending sections 316.026, 316.061, 316.067, 316.112, 316.164, 339.30, 340.23 and 239.55, Florida Statutes; providing for penalty provisions consistent with this act; providing that the provisions of section 316.0261, Florida Statutes, shall apply to the disposition of all civil penalties and forfeitures received by a county court pursuant to chapter 318, Florida Statutes; providing an effective date.

On motion by Senator Poston the Conference Committee Report as an entirety was adopted, SB 171 passed as recommended and was certified to the House. The vote was:

Yeas—28

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Pettigrew	Vogt
Childers	Henderson	Plante	Ware
de la Parte	Johnson	Poston	Weber
Firestone	Lane (23rd)	Saylor	Wilson
Gallen	Lewis	Sims	Winn
Gillespie	McClain	Smathers	Zinkil

Nays—None

By unanimous consent Senator Peterson was recorded as voting yea.

On motion by Senator Johnson, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1, has amended Senate Amendment 2, concurred in same as amended and passed as further amended—

By the Committee on Judiciary and Representative Crabtree—

CS for HB 895 (cs)—A bill to be entitled An act relating to limitations of actions; creating sections 95.011, 95.031 and 95.091, Florida Statutes; prescribing the periods of time for limitations; the conditions under which the periods of time apply, the times when actions accrue, the applicability of limitations and laches; repealing sections 95.02, 95.021, 95.08, 95.09, 95.112, 95.113, 95.15, 95.20, 95.24, 95.251, 95.27, 95.33, 95.34, 95.38, 353.06, 356.09, 475.49, 478.191 (5), 672.725, 676.111, 768.04, 849.27, 849.28, Florida Statutes 1971, amending sections 65.081, 95.03, 95.04, 95.10, 95.11, as amended by chapter 73-333, Laws of Florida, 95.111, 95.12, 95.13, 95.14, 95.16, 95.17, 95.18, 95.19, 95.21, 95.22, 95.241, 95.35, 95.36, 192.053, 206.14 (5), 206.15, 206.175, 211.11, 517.21 (1), 377.33 (3), Florida Statutes 1971, transferring section 95.37, Florida Statutes 1971 to chapter 11, Florida Statutes; amending and transferring sections 95.05, 95.06, 95.07, 95.23, 95.26, 95.28, 95.29, 95.30, 95.31, 95.32 and 337.31, Florida Statutes 1971; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment to Senate Amendment 2—On page 6, lines 6, 7, 8, strike everything after the comma on line 6 and insert: Provided that when the action involves a latent defect, the time runs from the time the defect is discovered or should have been discovered with the exercise of due diligence, but in any event within twelve (12) years after the date of actual possession by the owner or the date of abandonment of construction if not completed, or upon completion or termination of the contract between the professional engineer, registered architect or licensed contractor and his employer.

On motion by Senator Johnson, the Senate concurred in the House amendment to Senate Amendment 2.

CS for HB 895 (cs) as further amended passed and was certified to the House. The vote was:

Yeas—27

Mr. President	Graham	McClain	Sykes
Brantley	Gruber	Myers	Trask
de la Parte	Henderson	Pettigrew	Vogt
Firestone	Johnson	Poston	Ware
Gallen	Lane (31st)	Saylor	Winn
Gillespie	Lane (23rd)	Sims	Zinkil
Glisson	Lewis	Smathers	

Nays—None

By unanimous consent Senator Peterson was recorded as voting yea.

On motion by Senator Glisson, unanimous consent was obtained to take up out of order—

HB 3073—A bill to be entitled An act relating to state financial assistance for community services; creating part IV of chapter 218, Florida Statutes; providing a legislative intent; providing definitions of department, local governing authority, private corporation and a program for community services; providing for the creation and distribution of a community services trust fund; providing for accountability of funds; providing a severability clause; providing an effective date.

—which, on motions by Senator Glisson, by two-thirds vote was read the second time by title and by two-thirds vote was read the third time by title and failed to pass. The vote was:

Yeas—16

Mr. President	Gillespie	Gruber	Poston
Brantley	Glisson	Johnson	Smathers
Childers	Gordon	Myers	Vogt
Firestone	Graham	Pettigrew	Winn

Nays—17

Deeb	Lewis	Sims	Weber
Gallen	McClain	Stolzenburg	Zinkil
Henderson	Peterson	Sykes	
Johnson	Plante	Trask	
Lane (23rd)	Saunders	Ware	

On motion by Senator Saunders the Senate reconsidered the vote by which HB 3073 failed to pass.

The question recurred on the passage of HB 3073 which passed and was certified to the House. The vote was:

Yeas—19

Mr. President	Gordon	Myers	Trask
Brantley	Graham	Poston	Vogt
Firestone	Gruber	Saunders	Winn
Gillespie	Johnston	Scarborough	Zinkil
Glisson	Lewis	Smathers	

Nays—13

Deeb	Lane (23rd)	Sims	Weber
Gallen	McClain	Stolzenburg	
Henderson	Peterson	Sykes	
Johnson	Plante	Ware	

On motion by Senator Deeb, unanimous consent was obtained to take up out of order—

HB 3951—A bill to be entitled An act relating to sales tax; amending §212.08(7)(i), Florida Statutes, 1973, providing that exemption from sales and use taxes for sales of utilities and fuel to residential households shall apply regardless of whether separately metered and billed to the residents or metered and billed to the landlord; providing an effective date.

—which was read the second time by title. On motion by Senator Deeb, by two-thirds vote HB 3951 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Graham	Plante	Vogt
Brantley	Gruber	Poston	Ware
Childers	Henderson	Saunders	Weber
Deeb	Johnson	Sayler	Wilson
de la Parte	Johnston	Scarborough	Winn
Firestone	Lewis	Sims	Zinkil
Gallen	McClain	Smathers	
Glisson	Myers	Sykes	
Gordon	Peterson	Trask	

Nays—None

The Senate resumed Special Order.

HB 3504—A bill to be entitled An act relating to local government assistance; reenacting and amending part II of chapter 218, Florida Statutes, relating to revenue sharing; providing for trust funds; providing for eligibility and distribution; providing for apportionment; providing limitation on funds and for protection of bonds; providing for administration; providing conditions and procedures; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendments which were moved by Senator Williams and adopted:

Amendment 1—On page 2, lines 21 and 22, strike “; or for any quarter, one-fourth of such amount”

Amendment 2—On page 3, lines 7 and 8, strike “; or, for any quarter, one-fourth of such amount”

Amendment 3—On page 3, lines 17 and 18, strike “; or, for any quarter, one-fourth of such amount”

Senator Sayler moved the following amendment:

Amendment 4—On page 11, line 4, strike “and shall expire on June 30, 1975”

Amendment 4 was adopted by the following vote:

Yeas—18

Deeb	Gruber	Pettigrew	Ware
de la Parte	Johnson	Poston	Wilson
Gillespie	Lane (23rd)	Sayler	Winn
Gordon	McClain	Smathers	
Graham	Myers	Sykes	

Nays—11

Brantley	Lewis	Saunders	Vogt
Gallen	Peterson	Sims	Williams
Henderson	Plante	Trask	

Senators Deeb and Gallen offered the following amendment which was moved by Senator Deeb:

Amendment 5—On page 5, line 10, strike Subsection (C)

Senator Wilson moved the following substitute amendment which failed:

Amendment 6—On page 5, line 15, strike “1973” and insert: 1972

Amendment 5 failed.

On motion by Senator Williams, by two-thirds vote HB 3504 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Graham	Pettigrew	Sykes
Childers	Gruber	Poston	Vogt
Deeb	Henderson	Saunders	Ware
de la Parte	Johnson	Sayler	Weber
Firestone	Johnston	Scarborough	Williams
Gallen	Lane (23rd)	Sims	Wilson
Gillespie	Lewis	Smathers	Winn
Gordon	Myers	Stolzenburg	Zinkil

Nays—2

Peterson	Trask
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On motion by Senator Barron the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House Amendments 1 & 2 and passed SB 887, as further amended.

Allen Morris, Clerk

The bill contained in the above message was ordered engrossed.

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 2 and 4, concurred in same as amended and passed CS for CS for HB 3418, as further amended—

By the Committee on Appropriations and Representative L. McDonald and others—

CS for CS for HB 3418—A bill to be entitled An act relating to public officers and employees and candidates for public office;

amending §§112.311, 112.312, 112.313, 112.314, 112.316, and 112.317, Florida Statutes, 1973, and creating §§112.3145 and 112.3155, Florida Statutes, providing legislative intent; providing definitions; establishing standards of conduct for public officers and employees, candidates, advisory board members, legislators and legislative employees, and judicial officers; requiring disclosure of financial interests by source and percentage by public officers and candidates; including spouse and minor child within the definition of public officer for purposes of financial disclosure; including in the requirement to disclose total compensation received, all persons doing consulting work with an agency; providing for forms and procedures for such disclosures; providing for construction of part III of chapter 112, Florida Statutes; providing enforcement; repealing §112.318, Florida Statutes, 1973, relating to procedures on complaints of violation of part III of chapter 112, Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment to Senate Amendment 2—Strike all of Senate amendment #2, and insert: Section 1. Section 112.311, Florida Statutes, 1973, is amended to read:

(Substantial rewording of section. See §112.311, F.S., 1973, for present text.)

112.311 Legislative intent.—The purpose of this part is to establish a code of ethics for all public officers and employees, and judicial officers and employees prohibiting conflict between public duty and private interest, and to strengthen the faith and confidence of the people of the state in their government. It is the legislative intent that in order to prevent conflict of interest on the part of public officers as defined herein that full disclosure of income and net assets by source and percentage and in addition the exact amount of fees earned before agencies of government at all levels shall be required of such officers.

Section 2. Section 112.312, Florida Statutes, 1973, is amended to read:

(Substantial rewording of section. See section 112.312, F.S., 1973, for present text.)

Section 112.312 Definitions.—As used in this part, unless the context otherwise requires:

(1) "Advisory board member" includes members of strictly advisory boards which have no authority to expend public funds other than reimbursement for personal expense, or to otherwise exercise the power of the state or any county, municipality, or other political subdivision.

(2) "Agency" means any state, county, local or municipal governmental entity, whether executive, judicial, or legislative, and therein any department, division, bureau, commission, authority, or special taxing district with authority to exercise the sovereign power of the state.

(3) "Business entity" means any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not.

(4) "Candidate" means any person who has filed his qualification papers and subscribed to the candidate oath as required by section 99.021, or seeks by election to become a public officer excluding county committeemen in counties under 100,000 population according to the last decennial census.

(5) "Disclosure period" means the period extending from January 1 through December 31 immediately preceding the date on which the financial disclosure statement required by this part is required to be filed.

(6) "Employee" means any employee of an agency.

(7) "Financial interest" means direct or indirect ownership of any asset or receipt of income.

(8) "Gift" means any thing of economic value, of a value in excess of twenty-five (\$25.00) dollars, received without payment or transfer of valuable consideration in return, but does

not include campaign contributions nor gifts from relatives within the third degree consanguinity.

(9) "Income" includes both ordinary income and capital gains or moneys received. Income is further defined to mean cash, tangible or intangible property, or anything of value received by the candidate or public officer.

(10) "Material interest" means ownership, direct or indirect, of ten percent (10%) or more of the total assets of any business entity; or ownership, direct or indirect, of ten percent (10%) or more of the outstanding capital stock in any corporation or professional service corporation; or a direct, or indirect interest of a value of ten thousand dollars (\$10,000), or more, in any business entity; or a direct or indirect interest in any business entity which can reasonably be expected to result in income or gain of one thousand dollars (\$1,000) or more during the succeeding taxable year, but not including income earned or to be earned in the nature of a salary or profit sharing from a publicly held corporation. For purposes of this section:

(a) "Indirect" means ownership by the spouse or jointly with the spouse of the public officer, candidate, or employee, or ownership, by an agent, trustee, or business entity on his behalf, or by an irrevocable trust or trusts in which his or her spouse or his or her minor children have a present or future interest of a value, singular or cumulative, of ten thousand dollars (\$10,000), except where the settlor of such trust is a relative of said public officer within the third degree of consanguinity and where the public officer is not the trustee and has no interest in the trust assets.

(b) "Direct" means any ownership other than indirect.

(11) "Net asset" means the fair market value of an asset less any borrowings specifically encumbering the asset.

(12) "Person or business entities provided a grant of privilege to operate" includes state or federally chartered banks, state or federal savings and loan associations, small loan companies, alcoholic and spirituous liquor businesses, whether retail or wholesale, pari-mutuel wagering companies, utility companies, cemetery companies, insurance companies, mortgage companies, credit unions, and any entity controlled by the public service commission or granted a franchise to operate by either a municipal or county government.

(13) "Public officer" or "officer" includes:

(a) All elected public officers, congressional, executive, judicial, legislative, state, county, municipal or local.

(b) Members of boards, commissions, authorities, special taxing districts, and the head of each state agency, however selected, but excluding advisory board members as herein defined.

(c) Referees, receivers, and hearing examiners appointed by any agency, and judges of industrial claims.

(d) Members of the board of regents, the chancellor of the university system and the presidents of state colleges and universities, and the presidents and members of the boards of trustees of public junior and community colleges.

(e) Any person employed in the office of the governor or in the office of any member of the cabinet who is exempt from the career service system, except persons employed in clerical, secretarial, or similar positions.

(f) The appointed secretaries, assistant secretaries, deputy secretaries, executive directors, assistant executive directors, and deputy executive directors of all state departments and, unless otherwise provided, the directors of all divisions and bureaus of all departments of state government.

(g) The institute directors of the mental health institutes authorized for Tampa and Miami for training and research in the mental health field.

(h) All legislative employees whose job classification is staff director I or above, the sergeants-at-arms of the house and senate, the clerk of the house, the secretary of the senate, the executive director of the joint legislative management committee, the director of the house bill drafting service, and the director of the senate legislative services.

(i) All full time state employees who, in addition to their regular duties, accept compensation for consultations with

other state agencies or with other government or private entities.

(j) All appointed public officers including sheriffs, tax collectors, tax assessors, supervisors of elections, clerks of the circuit court, chiefs of police, county managers, county administrators, county attorneys, assistant state attorneys, city managers, city attorneys, district school superintendents, school board attorneys, and appointed heads of city and county planning and zoning boards, members of school boards, members of planning boards, members of zoning boards, and members of planning and zoning boards, or any boards having jurisdiction with respect thereto.

(k) Purchasing agents for any agency.

(14) "Source" means the name, address, and description of the principal business activity of the business entity.

(15) "Spouse" means the marital partner of the person required to file financial disclosure where the marital partner resides in the same household with the person required to file.

(16) "Taxable year" means the year for which the taxpayer, whether the calendar year or some other fiscal year, reports his income or the income of any business entity from which the taxpayer derives a majority of his income.

Section 3. Section 112.313, Florida Statutes, 1973, is amended to read:

(Substantial rewording of section. See section 112.313, F. S., for present text.)

112.313 Standards of conduct for public officers and employees of agencies.—

(1) GIFTS.—No public officer or employee of an agency shall accept any gift from any person or business entity provided a grant of privilege to operate by, or doing business with, any agency of which he is an officer or employee; provided, however, that this prohibition shall not apply to acceptance of a gift of food or beverages consumed at a social gathering.

(2) CONFLICTS PROHIBITED.—No public officer or employee of an agency shall own a material interest in any business entity with the agency of which he is an officer or employee, except in those cases when the business is contracted with full public competition and award is made under statutory bidding procedures.

(3) DISCLOSURE OF CONFLICTS.—If a public officer or employee of an agency is an officer, director, partner, proprietor, associate, or agent (other than a resident agent solely for service of process) of, or owns a material interest in, any business entity which is granted a privilege to operate, as defined in Section 112.312 (12), Florida Statutes, or is doing business with an agency of which he is an officer or employee, he shall file a sworn statement disclosing such facts within thirty (30) days of becoming an officer or employee or within ten (10) days of the acquisition of such position or of such material interest. The statement shall give the name, address, and principal business activity of the business entity and shall state the position held or the fact that a material interest is owned. The statement shall be filed with the department of state if the individual is a state officer or employee, and shall be filed with the clerk of the circuit court of the county in which he is principally employed if he is an officer or employee of a county, municipality, or other political subdivision of the state.

(4) USE OF OFFICIAL POSITION.—No public officer or employee of an agency shall use or attempt to use his official position or perform his official duties to secure special privileges, benefits, or exemptions for himself or others except as may be otherwise provided by law.

(5) OTHER EMPLOYMENT.—No public officer or employee of an agency shall accept other employment with any business entity subject to the regulation of, or doing business with, an agency of which he is an officer or employee, or which shall create a conflict between his private interests and the performance of his public duties, or will impede the full and faithful discharge of his public duties.

(6) DISCLOSURE OR USE OF INFORMATION.—No public officer or employee of an agency shall disclose information gained by reason of his official position for his personal gain or benefit, or for the purpose of providing personal gain or benefit to any other person.

(7) COMPENSATION FOR DISCHARGE OF PUBLIC DUTIES.—No public officer or employee of an agency shall receive compensation of any kind for the discharge and performance of his public duties as an officer or employee from any source other than the agency of which he is an officer or employee, except as otherwise provided by law.

(8) USE OF GOVERNMENT PROPERTY.—No public officer or employee of an agency shall use agency stationery, seal, papers, motor vehicles or any other property of any agency for a personal nonofficial purpose. However, agency stationery paid for by the officer or employee may be used for personal, non-business use.

Section 4. Section 112.314, Florida Statutes, 1973, is amended to read:

(Substantial rewording of section. See section 112.314, F.S., 1973, for present text.)

112.314 Additional standards of conduct for legislators.—

A legislator shall not be prohibited from voting on any matter properly before him, but if a conflict exists on a matter and as a result of such conflict, there will inure to him a special or private gain, he shall disclose the conflict to the presiding officer prior to the vote being taken on such matter, and he may then abstain from voting and he may enter a statement of the reason for his abstention in the minutes or journal.

Section 5. Section 112.3145, Florida Statutes, is created to read:

112.3145 Disclosure of financial interest by source and percentage; debts payable; real estate holdings; material interest in business entities; fees for representation before agencies.—A candidate for nomination or election shall file a disclosure of financial interest by source and percentage no later than 12 noon on the tenth day after the last day to qualify as a candidate. A public officer, including persons appointed or elected to serve the unexpired term of any public officer, shall file a disclosure of financial interest by source and percentage no later than 12 noon of May 15 of each year and such requirement shall continue so as to require such filing for the year following the last year a public officer is in office. A public officer, including persons appointed or elected to serve the unexpired term of any public officer, who has filed a financial disclosure statement as required by the provisions of this act, as of May 15, need not re-file his statement if such statement was filed no more than 120 days prior to the time required to file hereunder. Every public officer who is appointed shall file a financial disclosure statement as required by the provisions of this act within fifteen (15) days from the date of his or her appointment regardless of whether or not confirmation is completed. Disclosure of financial interest by source and percentage shall be filed with the department of state in the case of candidates seeking statewide office, public officers elected statewide, members of the state legislature and other public officers exercising jurisdiction over more than one county. All other candidates and public officers shall file their disclosure of financial interest by source and percentage with the clerk of the circuit court for the county in which they reside. Such other candidates shall also file with the department of state. Candidates for and members of the state legislature shall file their disclosure of financial interest by source and percentage with the department of state. Disclosure of financial interest shall be in accordance with the following specific procedures:

(1) INCOME BY SOURCE AND PERCENTAGE.—

All public officers and candidates shall disclose the source of all income that constitutes five percent (5%) or more of such person's gross income for the preceding taxable year, excluding dividends or interest, moneys received from guardianship, alimony, child support, retirement or disability compensation and other compensation derived from any level of government service, or any contribution as defined by sections 106.08 and 111.011, F.S. The person reporting shall indicate whether the percentage of the source of income is five percent (5%) or more but less than thirty percent (30%), or thirty percent (30%) or more. If the public officer or candidate receives any income from any business entity in which he has a material interest, and if such income is fifteen percent (15%) or more of the gross income of the public officer or candidate, then he shall also disclose the source of all gross income of the business entity which constitutes five percent (5%) or more of the business entity's gross income for the preceding taxable year, and

shall indicate the source of the income. No such income of a business entity need be reported by source and percentage if less than fifteen hundred dollars (\$1500) from one source. Any statements of sources of income filed under this act shall be on a form prescribed by the provisions of this act, and the person filing the statement shall include, but not be limited to, the following: salaries, commissions, fees, honoraria, and all other forms of compensation.

(2) **CREDITORS.**—All public officers and candidates shall disclose the name, address, and type of business of each creditor, other than family members through the third level of consanguinity, to whom the aggregate value of one thousand dollars (\$1,000) or more is owed, excluding borrowings against the cash value of the public officer's or candidate's life insurance; provided, that, this subsection shall not apply to any debts incurred by a public officer or candidate in the ordinary course of his trade or business in the amount of five thousand dollars (\$5,000) or less to any one person or entity. The person filing the statement must also indicate the date of the debt, the date the debt is due and payable, the interest rate, and whether the debt is secured or unsecured; and further provided that the disclosure requirements of this subsection shall not require the disclosure of first or second mortgage liens held by institutional lenders meaning any bank, bank and trust company, savings and loan association, small loan company, consumer finance company, mortgage company, credit union, life insurance company, federal housing administration, farmers' home administration or veterans' administration.

(3) **REAL ESTATE.**—All public officers and candidates shall disclose the legal description or street address or other description sufficient to identify the location of all real estate in which they have an interest, including leases, options to purchase, and all other legal or beneficial interests except for a mortgage interest or a naked legal title, as trustee, without a beneficial interest. If the public officer or candidate has a material interest in any business entity owning or dealing in real estate, the public officer or candidate shall also disclose as herein provided all real estate in which the business entity has an interest. Such disclosure shall state the specific nature of the interest of such officer or candidate or business entity. No real estate need be disclosed that is located outside the geographical area of the political jurisdiction of the office of the candidate or political officer. For purposes of this subsection the State of Florida is the geographical area of the political jurisdiction of a state legislator.

(4) **MATERIAL INTEREST.**—All public officers and candidates shall disclose the name, address, and type of business entity in which he is an officer, director, partner, associate, proprietor, or agent, except a resident agent solely for service of process, or in which he holds a material interest.

(5) **FEES FOR REPRESENTATION BEFORE AGENCIES.**—All public officers and candidates shall file a list of all matters in which they, or any member of a firm in which they have a material interest, represented a client for a fee or for any actual or prospective financial benefit before any agency, which list shall include the name of each such client, the specific amount of each fee, or any actual or prospective benefit, the name of the agency, and a description of the service performed. For the purposes of this subsection "representation before any agency" does not include practice before any court in this state or practice before judges or commissioners of industrial claims.

(6) **SWORN STATEMENT.**—The financial disclosure statement shall be accompanied by a sworn statement certifying that the information contained therein is complete and an accurate description of the net assets, liabilities, income, and sources of income of the candidate or public officer and that his accounting methods have not changed since he became a candidate or public officer.

(7) **ATTESTATION.**—A third party shall examine and attest that the financial disclosure statement filed is in substantial conformity with the federal income tax return of the officer or candidate.

(8) **PUBLIC RECORDS.**—The statements required by this section shall be public records within the meaning of section 119.01.

(9) **FORMS.**—All disclosures of sources of income, liabilities and any other material required to be disclosed under this act shall be on the form prescribed by the commission on ethics.

(10) **OPTIONAL FORM.**—In lieu of disclosure of financial interest in accordance with subsections (1), (2), (3), (4), (5), (6), and (7) of this section, a public officer or candidate may file a copy of his or her federal income tax return and a certified copy of his or her net worth statement for the disclosure period.

Section 6. Section 112.316, Florida Statutes, 1973, is amended to read:

(Substantial rewording of section. See §112.316, F. S., 1973, for present text.)

112.316 Construction.—

(1) This part shall be liberally construed to prohibit conflicts between public duties and private interests of public officers and employees.

(2) This part shall not be construed to preempt any more stringent county or municipal provisions or to restrict counties or cities from adopting more stringent provisions, and, in such case, such provisions shall be cumulative and supplementary.

Section 7. Section 112.317, Florida Statutes, 1973, is amended to read:

(Substantial rewording of section. See §112.317, F. S., 1973, for present text.)

112.317 Enforcement.—

(1) The state attorney in any county where a violation of this part is alleged to have occurred, the Attorney General if the state attorney fails to take action, or any citizen or group of citizens of this state, may bring an action in circuit court to enjoin violations of or compel compliance with the provisions of this part; provided however nothing herein shall preclude action by the Commission on Ethics on complaints of violation of any provision of this part.

(2) Upon a preliminary showing that there are reasonable grounds to believe that a violation of §§112.313 or 112.314 has occurred, the court may restrain the execution of any decision, contract, order, permit, resolution or other official act in relation to which a violation of §§112.313 or 112.314 is alleged to have occurred, pending final adjudication, provided that any injury suffered by innocent persons relying on the official act does not outweigh the public interest in a temporary stay of the act. If it is ultimately determined that a violation has occurred, the court may set aside as void any decision, order, permit, resolution, contract or other official action affected by the violation.

(3) If it is determined that a violation of §§112.313 or 112.314 has occurred, and if the public officer who committed the violation realized an economic benefit as a result of the action or decision, the court may impose a penalty against the public official of up to three times the value of the benefit.

(4) If it is determined that an interest which should have been disclosed in the report required by §112.3145 was omitted, the court may impose a penalty of up to three times the value of the omitted interest.

(a) No public officer required to file a statement pursuant to §112.3145 shall receive any compensation from any agency for the period in which he is in violation if the statement is not filed as required; provided that, in the event any public officer has received compensation for the period in which he is in violation, prior to discovery or disclosure of said violation, then he shall repay the compensation to the agency, and the agency may bring an action to recover such compensation.

(b) No public officer required to file a statement pursuant to §112.3145 shall take office until the statement as required has been filed. A violation of any provision of this part shall be grounds for removal from or disqualification from holding public office.

(5) In any action to enforce the provisions of this act, the court may award reasonable attorney fees and court costs to the prevailing party or parties, whether or not there has been a final judgment in the matter.

Section 8. Section 112.318, Florida Statutes, 1973, is hereby repealed.

Section 9. Section 112.319, Florida Statutes, 1973, is created to read:

112.319 Filing with Commission—a copy of each disclosure statement required to be filed by this act with the department of state or the clerk of the circuit court shall, at the same time of such filing be filed with the Commission on Ethics.

Section 10. If any section, subsection, sentence, clause, phrase, or word of this act is for any reason held or declared to be unconstitutional, invalid, inoperative, ineffective, inapplicable, or void, such invalidity or unconstitutionality shall not be construed to affect the portions of this act not so held to be unconstitutional, void, invalid, or ineffective, or affect the application of this act to other persons or circumstances not so held to be invalid; it being hereby declared to be the express legislative intent that any such unconstitutional, illegal, invalid, ineffective, inapplicable or void portion or portions of this act did not induce its passage, and that without the inclusion of any such unconstitutional, illegal, invalid, ineffective or void portions of this act, the legislature would have enacted the valid and constitutional portions thereof.

Section 11. This act shall take effect on July 1, 1974, provided however, elected public officers shall be exempt from the financial disclosure provisions of this act which apply to public officers for the remainder of any term of office to which they were elected prior to July 1, 1974, except those elected for a term which extends beyond December 31, 1974. Notwithstanding the foregoing this act shall become null and inoperative as of July 1, 1978.

House Amendment to Senate Amendment 4—Strike the entire Senate amendment 4 and insert: A bill to be entitled An act relating to public officers and employees and candidates for public office; amending §§112.311, 112.312, 112.313, 112.314, 112.316, and 112.317, Florida Statutes, 1973, and creating §§112.3145 and 112.319, Florida Statutes, providing legislative intent; providing definitions; establishing standards of conduct for public officers and employees, candidates, advisory board members, legislators and legislative employees, and judicial officers; requiring disclosure of financial interests by source and percentage by public officers and candidates; including spouse and minor child within the definition of public officer for purposes of financial disclosure; including in the requirement to disclose total compensation received, all persons doing consulting work with an agency; providing for forms and procedures for such disclosures; providing for construction of part III of chapter 112, Florida Statutes; providing enforcement; repealing §112.318, Florida Statutes, 1973, relating to procedures on complaints of violation of part III of chapter 112, Florida Statutes; providing an effective date.

Senators Barron and Gordon offered the following amendment which was moved by Senator Gordon:

Amendment 5—On page 1, line 1, strike House Amendment to Senate Amendment 2 and insert:

Section 1. Section 112.311, Florida Statutes, 1973, is amended to read:

(Substantial rewording of section. See sec. 112.311, F. S. for present text)

112.311 Legislative intent and declaration of policy.—

(1) It is essential to the proper conduct and operation of government that public officials be independent and impartial; that public office not be used for private gain other than remuneration provided by law. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist.

(2) It is also essential that government attract those citizens best qualified to serve. Thus, the law against conflict of interest must be so designed as to not unreasonably or unnecessarily impede the recruitment and retention by government of those best qualified to serve. Public officials should not be denied the opportunity, available to all other citizens, to acquire and retain private economic interests except where conflicts with the responsibility of such officials to the public cannot be avoided.

(3) It is likewise essential that the people be free to seek redress of their grievances and express their opinions to all government officials on current issues, and past or pending legislative and executive actions, at every level of govern-

ment. In order to preserve and maintain the integrity of the governmental process, it is necessary that the identity, expenditures and activities of those persons who regularly engage in efforts to persuade public officials to take specific actions, either by direct communication with such officials or by solicitation of others to engage in such efforts, be regularly disclosed to the people.

(4) It is the intent of this act to implement these objectives of protecting the integrity of government and of facilitating the recruitment and retention of qualified personnel by prescribing restrictions against conflicts of interest without creating unnecessary barriers to public service.

(5) It is hereby declared to be the policy of the State of Florida that no officer or employee of a state agency or of a county, city or other political subdivision of the state, and no member of the legislature or legislative employee, shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction, or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest. To implement this policy and strengthen the faith and confidence of the people of the state in their government, there is enacted a code of ethics setting forth standards of conduct required of state, county and city officers and employees, and of officers and employees of other political subdivisions of the state, in the performance of their official duties. It is the intent of the legislature that this code shall serve not only as a guide for official conduct of public servants in this state, but also as a basis for discipline of those who violate the provisions of part III of chapter 112.

Section 2. Section 112.312, Florida Statutes, 1973, is amended to read:

(Substantial rewording of section. See sec. 112.312, F.S. for present text.)

112.312 Definitions.—As used in this part, unless the context otherwise requires:

(1) "Agency" means any state, county, local or municipal governmental entity, whether executive, judicial, or legislative, and therein any department, division, bureau, commission, authority, or special taxing district with authority to exercise the sovereign power of the state.

(2) "Business entity" means any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in the state of Florida.

(3) "Candidate" means any person who has filed his qualification papers and subscribed to the candidate oath as required by section 99.021, or seeks by election to become a public officer excluding committeemen regulated by Chapter 103, Florida Statutes.

(4) "Disclosure period" means the period extending from January 1 through December 31 immediately preceding the date on which the financial disclosure statement required by this part is required to be filed.

(5) "Material interest", for the purposes of this act, means direct or indirect ownership of ten percent or more of the total assets or capital stock of any business entity.

(6) "Person or business entities provided a grant of privilege to operate" includes state or federal chartered banks, state and federal savings and loan associations, cemetery companies, insurance companies, mortgage companies, credit unions, small loan companies, alcoholic and spirituous liquor businesses, whether retail or wholesale, pari-mutuel wagering companies, utility companies, and any entity controlled by the public service commission or granted a franchise to operate by either a city or county government. This definition shall not apply to persons and entities so categorized merely for purposes of public notice or to certify the quality of professional or occupational services.

(7) "Public officer" or "officer" includes:

(a) All elected public officers, congressional, executive, judicial, legislative, state, county, municipal or local.

(b) Members of boards, commissions, authorities, special taxing districts, and the head of each state agency, however selected but excluding advisory board members.

(c) Referees, receivers and hearing examiners appointed by any agency, and judges of industrial claims.

(d) Members of the board of regents, the chancellor on the university system and the presidents of state universities, and presidents and members of boards of trustees of community colleges.

(e) Any person employed in the office of the governor or in the office of any member of the cabinet who is exempt from the career service system, except persons employed in clerical, secretarial or similar positions.

(f) The appointed secretaries, assistant secretaries, deputy secretaries, executive directors, assistant executive directors, and deputy executive directors of all state departments, and unless otherwise provided, the division directors and bureau chiefs of all departments of state government.

(g) The institute director of the mental health institutes authorized for Tampa and Miami for training and research in the mental health field.

(h) All full time state employees who, in addition to their regular duties, accept compensation for consultations with other state agencies or with other government or private entities.

(i) All sheriffs, tax collectors, tax assessors, supervisors of elections, clerks of the circuit court, chiefs of police, county managers, county administrators, county attorneys, assistant state attorneys, city managers, city attorneys, district school superintendents and appointed heads of city and county planning and zoning boards, city and county building inspectors, members of school boards, members of planning boards, members of zoning boards, and members of planning and zoning boards, or any boards having jurisdiction with respect thereto.

(j) Purchasing agents for any agency or persons having the power normally conferred to purchasing agents by whatever title.

(8) "Source" means the name, address, and description of the principal business activity of the business entity.

Section 3. Section 112.313, Florida Statutes, 1973, is amended to read:

(Substantial rewording of section.
See sec. 112.313, F.S. for present text)

112.313 Standards of conduct for public officers and employees of agencies.—

(1) No officer or employee of a state agency, or of a county, city or other political subdivision of the state, or any legislator, or legislative employee shall accept any gift, favor, or service that would cause a reasonably prudent person to be influenced in the discharge of official duties.

(2) Conflicts Prohibited.—No public officer or employee of an agency shall own a material interest in any business entity doing business with the agency of which he is an officer or employee, except in those cases when the business is contracted with full public competition and award is made to the lowest or best bidder or to a consultant in accordance with Chapter 287.055, Florida Statutes.

(3) Disclosure of Conflicts.—If a public officer or employee of an agency is an officer, director, partner, proprietor, associate or general agent (other than a resident agent solely for service of process) of, or owns a material interest in, any business entity which is granted a privilege to operate, or is doing business with, an agency of which he is an officer or employee, he shall file a statement disclosing such facts within forty-five days of becoming an officer or employee or within forty-five (45) days of the acquisition of such position or of such material interest. The statement shall give the name, address and principal business activity of the business entity and shall state the position held or the fact that a material interest is owned, and the nature of said interest. A candidate for nomination to or election for any office shall file a like statement no later than noon on the tenth day after the last day to qualify. The statement shall be filed with the department of state if the individual is a state officer, employee or candidate, and shall be filed with the clerk of the circuit court of the county in which he is principally employed or a resident if he is an officer, employee or candidate for election within a county, municipality or other political subdivision of the state.

(4) No public officer or employee of an agency shall corruptly use or attempt to use his official position or perform his official duties to secure special privileges, benefits or exemptions for himself, or others.

(5) Other Employment.—No public officer or employee of an agency shall accept other employment with any business entity subject to the regulation of, or doing business with, an agency of which he is an officer or employee nor shall an officer or employee of an agency accept other employment that will create a conflict between his private interests and the performance of his public duties, or will impede the full and faithful discharge of his public duties. Where the agency referred to is a legislative body and where regulatory power over the business entity resides in another agency, then employment with such business entity by a public officer or employee of a legislative body shall not be prohibited by this subsection or deemed a conflict.

(6) Disclosure or Use of Information.—No public officer or employee of an agency shall disclose information gained by reason of his official position for his personal gain or benefit, or personal gain or benefit for any other person.

Section 4. Section 112.314, Florida Statutes, 1973, is amended to read:

(Substantial rewording of section. See sec. 112.314, F.S. for present text)

112.314 Additional Standards of Conduct for Legislators and Legislative Employees.—

(1) No full-time legislative employee shall be otherwise employed, except with the written permission of the presiding officer of the house by which he is employed, filed with the clerk of the house of representatives or secretary of the senate, as may be appropriate. Employees of joint committees must have the permission of the presiding officers of both houses.

(2) No public officer shall be prohibited from voting on any matter in his official capacity. However, when the matter being considered directly or indirectly inures to the public officer's particular private gain, as opposed to his private gain as a member of a special class or creates a substantial conflict between such officer's private interests and his public duties he may abstain from voting on the matter and shall file a statement explaining the conflict with the appropriate officials.

Section 5. Section 112.3145, Florida Statutes, is created to read:

112.3145 Disclosure.—

(1) A candidate for nomination or election shall file a statement of disclosure no later than twelve o'clock noon on the tenth day after the last day to qualify as a candidate. A public officer, including persons appointed or elected to serve the unexpired term of any public officer, shall file a statement of disclosure no later than twelve o'clock noon of May 15th of each year, including the May 15th following the last year a public officer is in office. Every public officer who is appointed shall file a disclosure statement, as required herein, within thirty (30) days from the date of appointment. Disclosure shall be filed with the secretary of state or the clerk of the circuit court as provided in section 112.313(3). The statement of disclosure shall include the following:

(a) Income by source. All public officers and candidates shall disclose the source of all income that constitutes ten percent (10%) or more of such person's gross income for the preceding taxable year, excluding dividends or interest, moneys received from guardianship, alimony, child support, retirement or disability compensation and other compensation derived from any level of government service, or any contribution as defined by sections 106.08 and 111.011, F.S. The person reporting shall list such sources in descending order of importance with the largest source first. If the public officer or candidate receives any income from any business entity in which he has a material interest, and if such income is fifteen percent (15%) or more of the gross income of the public officer or candidate, then he shall also disclose the source of all gross income of the business entity which constitutes fifteen percent (15%) or more of the business entity's gross income for the preceding taxable year, and shall indicate the source of the income. No such income of a business entity need be reported by source

and percentage if less than fifteen hundred dollars (\$1500) from one source.

(b) Each public officer or candidate shall disclose any interest in excess of ten percent which he holds in any chartered banks, savings and loan associations, small loan companies, alcohol and spirituous liquor business, whether retail or wholesale, pari-mutuel wagering companies, utility companies, cemetery companies, insurance companies, mortgage or title insurance companies, credit unions and any entity controlled by the public service commission or granted a franchise to operate by a municipal or county government.

(c) Representation before agencies. Any public officer or candidate who represents another before his own agency or any agency at the same level of government as his own agency, except in ministerial matters, for a fee or commission shall list the agencies before which he appears, and the name of the client whom he represented, in a quarterly report subsequent to such appearance. Representation before any agency shall be deemed to include representation by such public officer or candidate, or any partner or associate of the professional firm of which he is a member and of which he has knowledge. For the purposes of this subsection, "representation before any agency" does not include appearances before any court, or appearances before judges or commissioners of industrial claims. This provision shall not include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license or operation permit to engage in a profession or business or occupation, provided it does not require substantial discretion, a variance, special consideration, a certificate of public convenience and necessity, a license based on a quota or a franchise, of such agency.

(d) Each public officer shall disclose any debt on which a preferential rate of interest substantially below the then current rate is charged, and each and every debt which in sum equals more than his net worth.

(e) A list of the total assets of each public officer or candidate, listed in order of size, excluding any asset which is equal to or less than fifteen percent of the total; any real property not situate in Florida and the personal residence and recreational or vacation homes of each public officer or candidate shall be excluded from the list. Each listed asset shall be identified by type, location, address or legal description.

(2) In lieu of any financial disclosure required by the provisions of this section, any public officer or candidate may file a current certified financial statement on a form prescribed by the ethics commission together with a copy of his latest federal income tax return.

Section 6. Section 112.3146, Florida Statutes, 1973, is created to read:

112.3146 Public records.—The statements required by sections 112.313, 112.314 and 112.3145 shall be public records within the meaning of section 119.01, Florida Statutes.

Section 7. All information required to be furnished by this act shall be on forms prescribed by the ethics commission.

Section 8. Section 112.317, Florida Statutes, 1973, is amended to read:

(Substantial rewording of section. See section 112.317, F.S. for present text.)

112.317 Penalty.—Intentional violation of any provision of this part by any officer or employee shall constitute grounds for dismissal from employment or removal from office.

Section 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of the act which can be given effect without the invalid provision or application, and to this end, the provisions of this act are declared severable.

Section 10. This act shall take effect on July 1, 1974.

Senator Plante moved the following amendment to Amendment 5:

Amendment 5a—On page 11, lines 20—24, strike all of (2)

Senator Peterson presiding

The President presiding

Amendment 5a was adopted by the following vote:

Yeas—20

Brantley
Childers
Gallen
Gillespie
Glisson
Henderson

Johnson
Johnston
McClain
Peterson
Plante
Poston

Sayler
Sims
Sykes
Trask
Vogt
Ware

Weber
Williams

Nays—14

Mr. President
Barron
de la Parte
Gordon

Graham
Gruber
Lane (23rd)
Lewis

Myers
Pettigrew
Saunders
Scarborough

Wilson
Winn

By unanimous consent Senator Smathers was recorded as voting nay.

Senator Glisson moved that the Senate reconsider the vote by which Amendment 2a was adopted. The motion failed.

Senator Sayler moved the following amendments to Amendment 5 which were adopted:

Amendment 5b—On page 4, line 5, strike "or" and insert: and

Amendment 5c—On page 11, line 10, strike "current" and insert: customary and usual under the circumstances

Amendment 5d—On page 11, line 18, after "identified" insert: only

Senator Pettigrew moved the following amendments to Amendment 5 which failed:

Amendment 5e—On page 10, line 1, strike "fifteen percent (15%)" and insert: ten percent (10%)

Amendment 5f—On page 10, line 21, after the comma (,) insert: the number of separate matters in which he appeared,

Senator Pettigrew moved the following amendments to Amendment 5 which were adopted:

Amendment 5g—On page 8, line 28, strike "substantial"

Amendment 5h—On page 6, line 28, after the word, "with" strike the comma (,)

Senator Barron moved the following amendment to Amendment 5 which was adopted:

Amendment 5i—On page 6, strike all of lines 10 through 14 and insert: (1) No officer or employee of a state agency, or of a county, city or other political subdivision of the state, or any legislator, or legislative employee shall accept any gift, favor, or service, of value to the recipient, that would cause a reasonably prudent person to be influenced in the discharge of official duties.

Senators Scarborough and Myers offered the following amendment to Amendment 5 which was moved by Senator Scarborough:

Amendment 5j—On page 11, line 20 insert: (2) In lieu of any financial disclosure required by the provisions of this section, any public officer or candidate may file a current certified financial statement on a form prescribed by the ethics commission together with a copy of his latest federal income tax return. However, this disclosure shall not be in lieu of the requirements of subsection 1(c).

Amendment 5j was adopted by the following vote:

Yeas—21

Mr. President	Glisson	Pettigrew	Wilson
Brantley	Graham	Poston	Winn
Childers	Gruber	Scarborough	Zinkil
Deeb	Lane (23rd)	Smathers	
de la Parte	Myers	Trask	
Firestone	Peterson	Williams	

Nays—18

Barron	Johnson	Saunders	Vogt
Gallen	Johnston	Sayler	Ware
Gillespie	Lewis	Sims	Weber
Gordon	McClain	Stolzenburg	
Henderson	Plante	Sykes	

By unanimous consent Senator Barron changed his vote from nay to yea.

Senator Ware moved the following amendment to Amendment 5 which was adopted:

Amendment 5k— On page 11, line 23, strike "prescribed by the ethics commission" and insert: of the type approved for use by State or national banks in Florida.

Senators Ware and Plante offered the following amendment to Amendment 5 which was moved by Senator Ware:

Amendment 5l— On page 1, between lines 1 and 2 insert: Whereas, the enactment of a proper full disclosure and conflict of interest act has been stated as a primary goal of the Governor of Florida, now therefore this act shall be entitled and known as the "Reubin O'D. Askew Act"

Amendment 5l failed by the following vote:

Yeas—18

Childers	Johnson	Sayler	Ware
Deeb	Johnston	Sims	Weber
de la Parte	McClain	Sykes	Wilson
Gruber	Peterson	Trask	
Henderson	Plante	Vogt	

Nays—20

Mr. President	Gillespie	Lewis	Scarborough
Barron	Glisson	Myers	Smathers
Brantley	Gordon	Pettigrew	Williams
Firestone	Graham	Poston	Winn
Gallen	Lane (23rd)	Saunders	Zinkil

Senator Pettigrew moved the following amendment to Amendment 5 which failed:

Amendment 5m— On page 11, line 11, strike "worth" and insert: income in the preceding year

Senators Weber and Sayler offered the following amendment to Amendment 5 which was moved by Senator Weber:

Amendment 5n— On page 11, line 25, insert: Section 6. No individual may qualify as a candidate until he has filed, as provided in section 99.021 or Chapter 103, Florida Statutes, answers to the following questions or declarations, and a sworn statement that the same are true and correct:

(a) Have you ever been admitted to, or confined within, a hospital or institution for the purpose of obtaining treatment or therapy for any mental or nervous disability?

(b) Have you ever been addicted to or excessively used alcohol, narcotics, barbiturates or habit-forming drugs, or charged with same?

(c) Have you ever been convicted of any offense involving moral turpitude?

(d) Do you have any civil or state court action now pending against you?

(e) Have you ever been impeached or removed from any public office or from any private position of trust or have any

such impeachment or removal proceedings been taken against you?

(Renumber subsequent sections)

Amendment 5n failed by the following vote:

Yeas—13

Childers	Johnson	Sims	Weber
Deeb	Johnston	Stolzenburg	
Gallen	McClain	Sykes	
Henderson	Sayler	Ware	

Nays—25

Mr. President	Gordon	Pettigrew	Williams
Barron	Graham	Plante	Wilson
Brantley	Gruber	Poston	Winn
de la Parte	Lane (23rd)	Scarborough	Zinkil
Firestone	Lewis	Smathers	
Gillespie	Myers	Trask	
Glisson	Peterson	Vogt	

On motion by Senator Scarborough, by two-thirds vote debate on pending amendments was limited to one minute per side per amendment.

The question recurred on Amendment 5 as amended, which was adopted.

On motion by Senator Gordon the Senate concurred in the House amendment to Senate Amendment 4 to CS for CS for HB 3418.

CS for CS for HB 3418 as further amended, passed and was certified to the House. The vote was:

Yeas—32

Mr. President	Glisson	Myers	Sykes
Barron	Gordon	Peterson	Trask
Brantley	Graham	Plante	Vogt
Childers	Gruber	Poston	Ware
Deeb	Johnson	Sayler	Williams
de la Parte	Johnston	Scarborough	Wilson
Firestone	Lane (23rd)	Sims	Winn
Gillespie	McClain	Smathers	Zinkil

Nays—7

Gallen	Lewis	Saunders	Weber
Henderson	Pettigrew	Stolzenburg	

Explanation of Vote

CS for CS for HB 3418 does not in our opinion provide adequate provisions for public disclosure by public officials. The bill as originally passed by the House and amended by the Senate Committee on Governmental Operations provided strong, open, mandatory provisions which would allow for public scrutiny of sources of income as well as relationships between officials and their representation before agencies.

We voted for the measure reluctantly as it appears a stronger bill will not be considered during the 1974 regular session. Hopefully during the interim public interest in this issue will cause a quick review of this legislation and a stronger measure will be submitted for legislative consideration. We will continue our efforts to amend and improve the measure for the purpose of placing Florida in the forefront by having a strong, meaningful public official disclosure law. This is required if we desire to restore public confidence in their government.

George Firestone, 36th District

D. Robert Graham, 33rd District

Sherman S. Winn, 34th District

James H. Williams, 6th District

Lori Wilson, 16th District

Bruce A. Smathers, 9th District

On motion by Senator Barron, the Senate recessed at 6:30 p.m. to reconvene at 7:15 p.m. or upon call of the President.

The Senate was called to order by the President at 7:30 p.m. A quorum present.

REPORT OF COMMITTEE

The Committee on Rules and Calendar recommends that the following bill be placed on the local calendar for May 31, 1974: CS for HB 4166

Dempsey J. Barron, Chairman

The Senate resumed—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has adopted the Conference Committee Report as an entirety and passed CS for HB 3692 as amended by the Conference Committee Report.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has adopted the Conference Committee Report as an entirety and passed CS for SB 79 as recommended by the Conference Committee Report.

Allen Morris, Clerk

The bill contained in the above message was ordered enrolled.

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has adopted the Conference Committee Report as an entirety and passed CS for SB 892 as amended by the Conference Committee Report.

Allen Morris, Clerk

CS for SB 892, contained in the above message was ordered engrossed.

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has passed—

HB 4230 HB 4231 HB 4232
HB 4236

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Sessums and others—

HB 4230—A bill to be entitled An act relating to Hillsborough County; amending §5(2) of chapter 67-2124, Laws of Florida, deleting the limitation on interest which bonds of the arts council of Tampa may bear; permitting the negotiated sale of bonds; permitting the issuance of bond anticipation notes; authorizing the City of Tampa and the County of Hillsborough to pledge moneys derived from non ad valorem sources to support the bonds of the council; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4230.

—was read the first time by title and placed on the local calendar.

On motion by Senator McClain, unanimous consent was obtained to take up HB 4230 out of order. On motions by Senator McClain, by two-thirds vote HB 4230 was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Saylor	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

By Representative Fortune and others—

HB 4231—A bill to be entitled An act relating to Escambia County; amending §9 of chapter 67-1373, Laws of Florida, deleting the requirement that all agencies in the county procure electronic data or computer services from the Escambia County electronic data processing management board; authorizing such agencies to procure such data and services from the board; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4231.

—was read the first time by title and placed on the local calendar.

On motion by Senator Childers, unanimous consent was obtained to take up HB 4231 out of order. On motions by Senator Childers by two-thirds vote HB 4231 was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Saylor	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

By Representative Blackburn and others—

HB 4232—A bill to be entitled An act relating to Hillsborough County, hospital and welfare board; amending §16-A of chapter 63-1402, Laws of Florida, added by chapter 67-1483, Laws of Florida; providing that the board may charge off, extinguish, settle or compromise accounts certified to the board as uncollectible in whole or in part after one (1) year; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4232.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Tillman and others—

HB 4236—A bill to be entitled An act relating to Charlotte County authorizing the school board of Charlotte County, Florida, to acquire land, construct, enlarge, improve, repair, remodel, equip and furnish schools, school facilities, school administrative facilities, and all necessary appurtenances within the school district of Charlotte County, to be secured by race track funds and Jai Alai funds accruing to the school board of Charlotte County, Florida, pursuant to the provisions of Chapters 550 and 551 of the Florida Statutes, and authorizing the school board of Charlotte County, Florida, to pay the costs incidental to the issuance of said bonds and the costs of such projects: and to provide an effective date.

Evidence of notice and publication was established by the Senate as to HB 4236.

—was read the first time by title and placed on the local calendar.

On motion by Senator Henderson, unanimous consent was obtained to take up HB 4236 out of order. On motions by Senator Henderson, by two-thirds vote HB 4236 was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Saylor	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has adopted—

HCR 4158 HCR 3442

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Clem—

HCR 4158—A concurrent resolution expressing sorrow for the passing of Mr. and Mrs. Alfred Francis Fletcher.

—was read the first time in full and referred to the Committee on Rules and Calendar.

By Representative Fortune and others—

HCR 3442—A concurrent resolution honoring the Muskogee-Creek Indians.

—was read the first time in full and placed on the calendar.

On motion by Senator Childers, unanimous consent was obtained to take up HCR 3442 out of order.

On motion by Senator Childers, by two-thirds vote HCR 3442 was read the second time by title, adopted, and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Saylor	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

On motion by Senator Stolzenburg, unanimous consent was obtained to take up out of order—

CS for HB 4166—A bill to be entitled An act relating to Broward County, authorizing the board of county commissioners of Broward County to regulate the disposal of solid wastes, within Broward County except in municipalities that have solid waste disposal treatment plants, and authority to prohibit certain methods of solid waste disposal under some circumstances; providing certain definitions; requiring permits for dumping, incineration and disposal of solid waste matter within Broward County; declaring penalties for violation, and providing for abatement of nuisances; containing savings provision as to outstanding contractual obligations; providing that all other conflicting laws are repealed to the extent of the conflict; and providing for an effective date.

—which, on motions by Senator Stolzenburg, by two-thirds vote was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Saylor	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

On motion by Senator Brantley, unanimous consent was obtained to take up out of order—

SB 1108—A bill to be entitled An act amending section 11 of Chapter 67-1569, Laws of Florida, to permit the Jacksonville Electric Authority to contract for the acquisition and construction of nuclear powered or other large generation plants and facilities when revenue certificates or bonds to finance the cost thereof have been authorized and validated, and to permit said revenue certificates or bonds to be sold in installments as funds are needed to make payments under any such contract; providing an effective date.

—which was read the second time by title. On motion by Senator Brantley, by two-thirds vote SB 1108 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Graham	Myers	Sykes
Brantley	Gruber	Peterson	Trask
Childers	Henderson	Pettigrew	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Saylor	Williams
Gillespie	Lane (23rd)	Sims	Wilson
Glisson	Lewis	Smathers	Winn
Gordon	McClain	Stolzenburg	Zinkil

Nays—None

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has adopted the Conference Committee Report as an entirety and passed HB 2922 as amended by the Conference Committee Report.

Allen Morris, Clerk

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON HB 2922

The Honorable Mallory E. Horne May 31, 1974
President of the Senate

The Honorable Terrell Sessums
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on House Bill 2922, same being:

A bill to be entitled An act relating to driving while under the influence; amending §316.028, Florida Statutes, 1973, to provide penalties for driving with an unlawful blood alcohol level; adding a new paragraph (b) to §322.261(1), Florida Statutes, 1973, and redesignating subsequent paragraphs accordingly, to provide for prearrest breath test; amending §322.262(2), Florida Statutes, 1973, to provide for unlawful driving with certain blood alcohol percentages, prohibiting trial judge accepting lesser plea if blood alcohol level exceeds certain level; to correct the refer-

ence to the measure of weight of alcohol in the blood; amending §322.264(1)(b), Florida Statutes, 1973, to include unlawful blood alcohol level in the definition of habitual traffic offender; amending §322.28(2), Florida Statutes, 1973, to include unlawful blood alcohol level, to change time period for computing subsequent conviction penalties, to change the period within which a bail bond may be vacated; creating §322.281 and §322.282, Florida Statutes, to provide for mandatory adjudication and the procedures when a license is reinstated and restricted; providing an effective date.

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the Senate recede from its amendments 1 and 2.

2. That the Senate and House of Representatives adopt the Conference Committee Amendments attached hereto; and by reference made a part of this report.

3. That the Senate and House of Representatives pass House Bill 2922 as amended by said Conference Committee amendments.

RALPH R. POSTON
ALAN TRASK
JOHN T. WARE

JACK SHREVE
C. FRED JONES
RICHARD H. LANGLEY

Managers on the part of the Senate
Managers on the part of the House of Representatives

Conference Committee Amendment 1—On page 1, line 31, strike everything after the enacting clause and insert:

Section 1. Section 316.028, Florida Statutes, 1973, is amended to read:

316.028 Driving while under the influence of alcoholic beverages, model glue, or controlled substances.—

(1) It is unlawful and punishable as provided in subsection (2) for any person who is under the influence of alcoholic beverages, model glue, or any substance controlled under chapter 893, when affected to the extent that his normal faculties are impaired, to drive or be in the actual physical control of any vehicle within this state.

(2) Any person who is convicted of a violation of subsection (1) ~~this section~~ shall be punished:

(a) For first conviction thereof, by imprisonment for not more than 6 months or by a fine of not less than \$25 or more than \$500, or by both such fine and imprisonment.

(b) For a second conviction within a period of three years from the date of a prior conviction for violation of this section, by imprisonment for not less than 10 days nor more than 6 months and, in the discretion of the court, a fine of not more than \$500.

(c) For a third or subsequent conviction within a period of five years from the date of conviction of the first of three or more convictions for violations of this section, by imprisonment for not less than 30 days nor more than 12 months and, in the discretion of the court, a fine of not more than one thousand dollars (\$1000) ~~\$500~~.

(3) *It is unlawful and punishable as provided in subsection (4) for any person with a blood alcohol level of 0.10 percent or above to drive or be in actual physical control of any vehicle within this state.*

(4) *Any person who is convicted of a violation of subsection (3) of this section shall be punished:*

(a) *For first conviction thereof, by imprisonment for not more than ninety (90) days or by a fine of not more than two hundred fifty dollars (\$250), or by both such fine and imprisonment.*

(b) *For a second conviction within a period of three (3) years from the date of a prior conviction for violation of this section, by imprisonment for not less than ten (10) days nor more than six (6) months and, in the discretion of the court, a fine of not more than five hundred dollars (\$500).*

(c) *For a third or subsequent conviction within a period of five (5) years from the date of conviction of the first of three*

(3) or more convictions for violations of this section, by imprisonment for not less than thirty (30) days nor more than twelve (12) months and, in the discretion of the court, a fine of not more than five hundred dollars (\$500).

(5) At the discretion of the court, any person convicted of violating subsection (1) or (3) of this section may be required to attend a driver improvement course specified by the court in addition to any fine imposed under this section.

Section 2. Paragraphs (b), (c), (d), (e), (f), (g), (h), (i), and (j) of subsection (1) of section 322.261, Florida Statutes, 1973, are redesignated as paragraphs (c), (d), (e), (f), (g), (h), (i), (j), and (k), respectively, and a new paragraph (b) is added to said subsection to read:

322.261 Suspension of license; chemical test for intoxication.—

(1)(a) Any person who shall accept the privilege extended by the laws of this state of operating a motor vehicle within this state shall by so operating such vehicle be deemed to have given his consent to submit to an approved chemical test of his breath for the purpose of determining the alcoholic content of his blood if he is lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle under the influence of alcoholic beverages. The test shall be incidental to a lawful arrest and administered at the request of a peace officer having reasonable cause to believe such person was driving a motor vehicle within this state while under the influence of alcoholic beverages. Such person shall be told that his failure to submit to such a chemical test will result in the suspension of his privilege to operate a motor vehicle for a period of three months.

(b) 1. *Notwithstanding the provisions of §322.261, a law enforcement officer, who has reason to believe that a person's ability to operate a motor vehicle is impaired by alcohol and that the person has been operating a motor vehicle during the period of such impairment, may, with the person's consent, give, or the person may demand, a prearrest breath test for the purpose of determining if said person is in violation of §316.028(1), but the taking of such prearrest breath test shall not be deemed a compliance with the provisions of §322.261(a). The results of any test administered under this section shall not be admissible into evidence in any civil or criminal proceeding. An analysis of a person's breath, in order to be considered valid under the provisions of this section, must have been performed according to methods approved by the division of health of the department of health and rehabilitative services. For this purpose, the division of health is authorized to approve satisfactory techniques or methods.*

2. *Prior to administering any prearrest breath test, a law enforcement officer shall advise the motor vehicle operator that he has the right to refuse to take such test, and prior to administering such test, a law enforcement officer shall obtain the written consent of the motor vehicle operator.*

Section 3. Subsection (2) of section 322.262, Florida Statutes, 1973, is amended to read:

322.262 Presumption of intoxication; testing methods.—

(2) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving, or in actual physical control of, a vehicle while under the influence of alcoholic beverages, when affected to the extent that his normal faculties were impaired, the results of any test administered in accordance with §322.261 and this section shall be admissible into evidence when otherwise admissible, and the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood or breath shall give rise to the following presumptions:

(a) If there was at that time 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of alcoholic beverages to the extent that his normal faculties were impaired.

(b) If there was at that time in excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of alcoholic beverages to the extent that his normal faculties were impaired, ~~and~~ ~~but~~ such fact may be considered with other competent evidence in deter-

mining whether the person was under the influence of alcoholic beverages to the extent that his normal faculties were impaired. *However, such person who has a blood alcohol level of 0.10 percent or above shall be guilty of driving or being in actual physical control of a motor vehicle with an unlawful blood alcohol level.*

(c) If there was at that time 0.10 percent or more by weight of alcohol in the person's blood, it shall be prima facie evidence that the person was under the influence of alcoholic beverages to the extent that his normal faculties were impaired.

(d) Percent by weight of alcohol in the blood shall be based upon ~~grams milligrams~~ of alcohol per one hundred ~~milliliters~~ ~~cubic centimeters~~ of blood.

(e) The foregoing provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of alcoholic beverages to the extent that his normal faculties were impaired.

(3) Chemical analyses of the person's blood or breath, in order to be considered valid under the provisions of this section, must have been performed according to methods approved by the division of health of the department of health and rehabilitative services and by an individual possessing a valid permit issued by the division of health for this purpose. The division of health is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the division.

(4) Any person charged or tested under the provisions of §322.261 and this section, whether in a municipality or not, will be entitled to a trial by jury on demand. In the event the person so charged is arraigned in a municipal court and demands trial by jury, the municipality will either set up the proper procedure to provide a trial by jury or transfer the cause to a court of competent jurisdiction in the county in which the municipality is located.

Section 4. Paragraph (b) of subsection (1) of section 322.264, Florida Statutes, 1973, is amended to read:

322.264 Habitual traffic offender defined.—An "habitual traffic offender" is any person whose record, as maintained by the department of highway safety and motor vehicles, shows that such person has accumulated the convictions for separate offenses described in subsections (1), (2), and (3), committed within a five-year period:

(1) Three or more convictions, singly or in combination, of any of the following offenses arising out of separate acts:

(b) Driving a motor vehicle or being in actual physical control while having an unlawful blood alcohol level or while under the influence of alcoholic beverages or any substance controlled under chapter 893;

In computing the number of convictions, all convictions during the five years previous to July 1, 1972, will be used, provided at least one conviction occurs after that date. The fact that previous convictions may have resulted in suspension or revocation under another section shall not exempt them from being used for suspension or revocation under this section as an habitual offender.

Section 5. Subsection (5) of section 322.27, Florida Statutes, 1973, is amended to read:

322.27 Authority of department to suspend or revoke license.—

(5) The department shall revoke the license of any person designated an habitual offender, as set forth in §322.264, and such person shall not be eligible to be relicensed for a minimum of five (5) years from the date of revocation, except as provided for in section 322.271. Any person whose license is revoked may, by petition to the department, show cause why his license should not be revoked.

Section 6. Section 322.271, Florida Statutes, 1973, is amended to read:

322.271 Authority to modify revocation or suspension.—

(1)(a) Upon the suspension, cancellation or revocation of the driver's license of any person as authorized or required in this chapter, except a person whose license is revoked as an habitual traffic offender under §322.27(5), the department shall immediately notify the licensee, and upon his request shall afford him an opportunity for a hearing as early as practical within not to exceed thirty (30) days after receipt of such request, in the county wherein the licensee resides, unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing a duly authorized agent of the department may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books, papers, and may require a reexamination of the licensee.

(b) A person whose driving privilege has been revoked under section 322.27(5) may, upon expiration of twelve (12) months from the date of such revocation, petition the department for restoration of driving privilege. Upon such petition and after investigation of the person's qualification and fitness and need to drive, the department shall hold an administrative hearing to determine whether driving privilege shall be restored on a restricted basis solely for business or employment purposes.

(2) Upon such hearing the person whose license has been suspended, cancelled or revoked, may show that such cancellation, suspension or revocation of his license causes a serious hardship and precludes his carrying out his normal business occupation, trade, or employment, and that the use of his license in the normal course of his business is necessary to the proper support of himself or his family. The department shall require proof of a successful completion of an approved driver training or alcohol education course, and may require letters of recommendation from respected business men in the community, law enforcement officers or judicial officers in determining whether such person should be permitted to operate a motor vehicle on a restricted basis for business use only and in determining whether such person can be trusted to so operate a motor vehicle.

(3) Upon such hearing the department shall either suspend, affirm or modify its order and may restore to the licensee the privilege of driving on a limited or restricted basis, for business or employment use only.

Section 7. Subsection (2) of section 322.28, Florida Statutes, 1973, is amended to read:

322.28 Period of suspension or revocation.—

(2) In prosecutions for the offense of driving a motor vehicle with an unlawful blood alcohol level as defined in §316.028(3) or while under the influence of alcoholic beverages to the extent that normal faculties are impaired, as defined in §316.028(1), while under the influence of intoxicating liquor, the following provisions shall apply:

(a) Upon conviction of a driver, the court, along with imposing sentence, shall revoke the driver's license or driving privilege of the person so convicted and shall prescribe the period of such revocation in accordance with the following provisions:

1. Upon first conviction of the offense of driving with an unlawful blood alcohol level as described in §316.028(3), the driver's license or privilege shall be revoked for not less than thirty (30) days nor more than ninety (90) days; and for the first conviction of the offense of driving while under the influence as described in section 316.028(1), the driver's license or privilege shall be revoked for not less than ninety (90) days nor more than one (1) year; except that the court may as part of the sentence restrict the driver's license or privilege to such driving required to and from work and any necessary on-the-job driving required by the employer or occupation, provided however, if such restriction is a part of the sentence, the court shall require the defendant to enroll in and successfully complete a driver improvement course for rehabilitation of drinking drivers and any necessary driving for completion of such drinking driver rehabilitation course shall be allowed under the license restriction. No pleasure, recreational, or other driving shall be permitted by such restriction, and any conviction for violation of such restriction shall be punishable by mandatory imprisonment for a period of ten (10) days and revocation of the driver's license or privilege for the period imposed in the original sentence. ; the driver's license or privilege shall be revoked for not less than three months nor more than twelve months.

2. Upon a second conviction within a period of five years from the date of a prior conviction for a violation of the provisions of subsections (1) or (3) of §316.028, or a combination of said subsections, said offense, the driver's license or privilege shall be revoked for not less than six months nor more than twenty-four months.

3. Upon a third or subsequent conviction within a period of five (5) ~~ten~~ years from the date of conviction of the first of three or more convictions for the violation of the provisions of subsections (1) or (3) of §316.028, or a combination of said subsections, ~~for said offense~~, the driver's license or privilege shall be revoked for not less than one year nor more than five years as provided in §322.27(5).

(b) If the period of revocation shall not be specified by the court at the time of imposing sentence or within thirty days thereafter, the department shall forthwith revoke the driver's license or privilege for the maximum period applicable under subsection (2)(a). The driver may, within thirty days of such revocation by the department, petition the court for further hearing on the period of revocation and the court shall be authorized in such case at its discretion to reopen the case and to determine the period of revocation within the limits specified in said subsection (2)(a).

(c) Any person having his license revoked or suspended by the department may during the period of said revocation or suspension apply to the department for review of said revocation or suspension and restoration of his driving privileges. Upon receipt of said application the department shall provide for a hearing after notice to said applicant within thirty days and may after said hearing and such investigation as may be made, restore the driving privileges subject to such conditions and restrictions as the department may deem proper which shall not extend beyond the original period of revocation or suspension.

(d) The forfeiture of bail bond, not vacated within twenty (20) ~~ten~~ days, in any prosecution for the offense of driving while under the influence of intoxicating liquor to the extent of depriving the defendant of his or her normal faculties, shall be deemed equivalent to a conviction for the purposes of this paragraph and the department shall forthwith revoke the defendant's driver's license or privilege for the maximum period applicable under subsection (2)(a); provided, if the defendant shall subsequently be convicted of said charge, the period of revocation for such conviction shall not exceed the difference between the applicable maximum under subsection (2)(a) and the period imposed under this subsection that shall have actually expired. *This subsection shall not apply if an appropriate motion contesting the forfeiture is filed within the twenty (20) day period.*

(e) When any driver's license or privilege has been revoked pursuant to the provisions of this section, the department shall not grant a new license until the expiration of the period of revocation so prescribed.

Section 8. Section 322.281, Florida Statutes, is created to read:

322.281 Mandatory adjudication.—*Notwithstanding the provisions of §948.01, no court shall withhold adjudication of guilt or imposition of sentence for the offense of driving or being in actual physical control of a motor vehicle, while having an unlawful blood alcohol level or while under the influence of alcoholic beverages, model glue, or any substance controlled by chapter 893.*

(2) *No trial judge shall accept a plea of guilty to a lesser offense from a person charged under the provisions of this act whose chemical results show a blood alcohol content by weight of .20 percent or more.*

Section 9. Section 322.282, Florida Statutes, is created to read:

322.282 Procedure when court revokes and reinstates license or driving privilege on a restricted basis.—*When a court revokes and reinstates a license or driving privilege as authorized under §322.28(2)(a)1., the court shall:*

(1) *Pick up all driver's licenses from the person convicted and revoked, and forward same to the department immediately together with a record of such conviction. The clerk of said court shall also maintain a list of all revocations by said court.*

(2) *Issue an order of reinstatement, on a form to be furnished by the department which the person so convicted may personally take to any Florida driver license examining office within seven (7) days from date of conviction, and upon presentation of such court order, a temporary driving permit authorizing driving for employment purposes, as provided in §322.28(2)(a)1., shall be thereupon issued; and upon verification from the driving record that the person so convicted had no previous convictions for the same offense, an operator or chauffeur license shall be issued as provided in §322.28(2)(a); provided, however, should the department determine from its records that such conviction was not the person's first such conviction, the temporary permit shall be canceled, and a revocation order shall be issued for the maximum period applicable under §322.28(2)(a)2. and 3.*

Section 10. In editing manuscript for the next edition of the official Florida Statutes, the division of statutory revision and indexing of the joint legislative management committee is authorized and directed to amend the cross references in paragraphs (c), (d) and (e) of subsection (1) of §322.261, Florida Statutes, to conform with the provisions of section 2 of this act.

Section 11. In the event that any provision or application of this act is held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

Section 12. This act shall take effect January 1, 1975.

Conference Committee Amendment 2—On page 1, line 3, strike all of the title and insert:

A bill to be entitled

An act relating to driving while under the influence; amending §316.028, Florida Statutes, 1973, to provide penalties for driving with an unlawful blood alcohol level and providing for discretionary driver improvement course; adding a new paragraph (b) to §322.261(1), Florida Statutes, 1973, and redesignating subsequent paragraphs accordingly, to provide for prearrest breath test; amending §322.262(2), Florida Statutes, 1973, to provide for unlawful driving with certain blood alcohol percentages, prohibiting trial judge accepting lesser plea if blood alcohol level exceeds certain level; to correct the reference to the measure of weight of alcohol in the blood; amending §322.264(1)(b), Florida Statutes, 1973, to include unlawful blood alcohol level in the definition of habitual traffic offender; amending subsection (5) of §322.27 and §322.271, Florida Statutes, to provide for the issuance of a driving privilege on a restricted basis solely for business or employment purposes after a period of twelve months to those whose privilege has been revoked as habitual offenders; amending §322.28(2), Florida Statutes, 1973, to include unlawful blood alcohol level, to change time period for computing subsequent conviction penalties, to change the period within which a bail bond may be vacated; creating §322.281 and §322.282, Florida Statutes, to provide for a mandatory adjudication and the procedures when a license is reinstated and restricted; providing for severability; providing an effective date.

Senator Poston moved the adoption of the Conference Committee Report. Senator McClain moved as a substitute motion that the Senate refuse to adopt the Conference Committee Report and that the conferees be returned to conference with instructions to remove certain provisions.

On motion by Senator Lewis, by two-thirds vote debate was limited to 2 minutes per side.

The substitute motion failed and the question recurred on the motion by Senator Poston which was adopted. The Conference Committee Report was adopted and HB 2922 passed as recommended. The vote was:

Yeas—23

Mr. President	Gillespie	Myers	Trask
Brantley	Glisson	Pettigrew	Vogt
Childers	Gruber	Poston	Wilson
de la Parte	Johnson	Scarborough	Winn
Firestone	Lane (23rd)	Stolzenburg	Zinkil
Gallen	Lewis	Sykes	

Nays—8

Barron	Henderson	McClain	Ware
Deeb	Johnston	Sims	Weber

By unanimous consent Senators Smathers and Peterson were recorded as voting yea; Senator de la Parte changed his vote from yea to nay.

On motion by Senator Ware, by two-thirds vote CS for HB 3822 was placed at the end of the Special Order Calendar.

SPECIAL ORDER

Consideration of CS for HB 3909 was deferred.

On motion by Senator Brantley, unanimous consent was obtained to take up out of order—

HB 2930—A bill to be entitled An act relating to the seizure and forfeiture of vessels, vehicles and aircraft; creating the Florida uniform contraband transportation act; providing a definition; providing uniform procedures for confiscation of vessels, motor vehicles and aircraft containing contraband articles; providing exceptions; amending §206.205(1), Florida Statutes, as amended by §20, ch. 73-334, Laws of Florida; amending §562-27(6), Florida Statutes, as amended by §26, ch. 73-334, Laws of Florida; amending §§562.35 and 849.36(1), Florida Statutes; amending §893.12(2), Florida Statutes, as created by §12, ch. 73-331, Laws of Florida; providing for seizure and forfeiture of vehicles illegally transporting or delivering motor fuel, illicit liquor, lottery tickets, or controlled substances; repealing §893-12(5), (6) and (7), Florida Statutes, as created by §12, ch. 73-331, Laws of Florida, relating to forfeiture procedures when controlled substances are found; providing an effective date.

—which was read the second time by title.

Senator Myers moved the following amendments which were adopted:

Amendment 1—Page 7, between lines 6 and 7, insert: Section 8. Section 849.231, Florida Statutes, 1973, is amended to read:

849.231 Gambling devices; manufacture, sale, purchase or possession unlawful.—

(1) Except in instances where the following described implements or apparatus are being held or transported by authorized persons for the purpose of destruction, as hereinafter provided, and except in instances when the following described instruments or apparatus are being held, sold, transported or manufactured by persons who have registered with the United States government pursuant to the provisions of title 15 of the United States code, sections 1171 et seq, as amended so long as the described implements or apparatus are not displayed to the general public, sold for use in Florida or held or manufactured in contravention of the requirements of 15 USC 1171 et seq it shall be unlawful for any person to manufacture, sell, transport, offer for sale, purchase, own or have in his possession any roulette wheel or table, faro layout, crap table or layout, chemin de fer table or layout, chuck-a-luck wheel, bird cage such as used for gambling, bolita balls, chips with house markings or any other device, implement, apparatus or paraphernalia ordinarily or commonly used or designed to be used in the operation of gambling houses or establishments, excepting ordinary dice and playing cards.

(2) In addition to any other penalties provided for the violation of this section, any occupational license held by a person found guilty of violating this section shall be revoked for a period not to exceed five (5) years.

(Renumber subsequent sections accordingly.)

Amendment 2—On page 1, lines 3—7, strike “A bill to be entitled An act relating to the seizure and forfeiture of vessels, vehicles and aircraft; creating the Florida uniform contraband transportation act;” and insert: A bill to be entitled An act relating to the Florida uniform contraband transportation act concerning the manufacture, possession or transportation of contraband and the seizure and forfeiture of vessels, vehicles and aircraft;

Amendment 3—On page 1, line 24, after the semicolon“;” insert: amending §849.231, Florida Statutes, 1973, excepting certain persons from the operation of the law relative to the unlawful possession, transportation, manufacture, sale or purchase of gambling devices; providing penalties;

The Committee on Judiciary offered the following amendments which were moved by Senator Brantley and adopted:

Amendment 4—On page 2, line 9, strike “beverage laws” and insert: beverage or tobacco laws

Amendment 5—On page 1, line 20, following the word “liquor,” insert the word “tobacco,”

On motion by Senator Brantley, by two-thirds vote HB 2930 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—30

Mr. President	Glisson	McClain	Trask
Barron	Gordon	Myers	Ware
Brantley	Gruber	Pettigrew	Weber
Childers	Henderson	Poston	Wilson
de la Parte	Johnson	Scarborough	Winn
Firestone	Johnston	Sims	Zinkil
Gallen	Lane (23rd)	Stolzenburg	
Gillespie	Lewis	Sykes	

Nays—None

By unanimous consent Senators Smathers, Graham, Vogt and Peterson were recorded as voting yea.

CS for HB 3909—A bill to be entitled An act relating to the Florida retirement system and other state retirement systems; amending subsection (3) of §121.011, Florida Statutes, 1973, providing for the preservation of the rights of members of the system when the system is made non-contributory; amending §121.021(6) and (19), Florida Statutes, 1973, and adding subsection (38) to said section, providing definitions; amending §121.051(1) and (2) (a), Florida Statutes, 1973, providing that after the system becomes non-contributory new employees will be eligible to participate in the non-contributory system under certain circumstances; opening up the Florida retirement system to members of other retirement systems; amending §121.071, Florida Statutes, 1973, to provide that certain members of the Florida retirement system shall not be required to make contributions; requiring employers to make contributions in certain cases; providing that no employee's salary shall be reduced in the implementation of the non-contributory plan; authorizing refunds for contributions made by certain members of the system; creating a new paragraph (f) to subsection (7) of §121.091, Florida Statutes, providing for a deferred monthly survivor's benefit for designated beneficiaries of members who die before retirement; amending §121.081, Florida Statutes, 1973, providing for increased interest rates on certain funds in the system; adding subsection (10) to §121.091, Florida Statutes, 1973, requiring that future benefit increases be paid by increased contributions or other adequate funding to the system and that such future benefits be based on sound actuarial figures; amending subsection (4) of §121.101, Florida Statutes, 1973, creating new subsections (5), (6) and (7) and redesignating present subsection (5) as subsection (8), providing annual cost-of-living increases for retirees; establishing procedures for the computation of cost-of-living increases; providing a three percent (3%) cap on such increases; amending paragraph (b) of subsection (1) and paragraph (b) of subsection (2) of §121.111, Florida Statutes, 1973, changing the interest and contribution rates for the purchase of past and prior service credit; amending §121.121(4), Florida Statutes, 1973, changing the interest and contribution rates for the purchase of future service leave of absence credit; creating §121.192, Florida Statutes, to provide for a state retirement actuary; authorizing the division of retirement to hire a full-time attorney; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendment which was moved by Senator Saunders and adopted:

Amendment 1—On Page 5, lines 19—31, strike “proposed additions to section”.

The Committee on Ways and Means offered the following amendment which was moved by Senator Saunders:

Amendment 2—On page 18, strike all of lines 17—22 and insert: for state employees and employees of the state community college system, and shall take effect July 1, 1975 for employees of the district school boards, and shall take effect October 1, 1975 for all other covered employees.

Senator Saunders moved the following substitute amendment which was adopted:

Amendment 3—On page 18, strike all of lines 17—22 and insert on line 17: for all state agencies, the state community college districts and the school districts. All other governmental units shall take effect October 1, 1975.

The Committee on Ways and Means offered the following amendment which was moved by Senator Saunders and adopted:

Amendment 4—On page 1, line 12—15, strike "Providing that after the system becomes non-contributory new employees will be eligible to participate in the non-contributory system under certain circumstances."

Senator Gillespie moved the following amendment which failed:

Amendment 5—On page 18, line 22, insert: The provisions of this Act shall apply to retirement systems established under Chapter 238, Florida Statutes and the benefits herein are made a part of Ch. 238 by reference.

On motion by Senator Saunders, by two-thirds vote CS for HB 3909 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Glisson	Myers	Sykes
Brantley	Gruber	Pettigrew	Trask
Childers	Henderson	Poston	Vogt
Deeb	Johnson	Saunders	Ware
de la Parte	Johnston	Sayler	Weber
Firestone	Lane (23rd)	Scarborough	Wilson
Gallen	Lewis	Sims	Winn
Gillespie	McClain	Stolzenburg	Zinkil

Nays—None

By unanimous consent Senators Peterson and Graham were recorded as voting yea.

HB 4066—A bill to be entitled An act relating to state retirement systems; amending various sections of Florida Statutes to clarify, make certain or conform their provisions or otherwise to perfect the apparent legislative intent; amending subsection (2) of §121.021, Florida Statutes, 1973, providing that the definition of "existing systems" shall also include the judicial retirement system established by chapter 123; amending subsection (4) of §121.091, Florida Statutes, 1973, by adding two new paragraphs (g) and (h), providing minimum benefits for judges retired on disability upon recommendation of judicial qualifications commission, providing for the transfer of contributions to and the payment of benefits from the general revenue fund for judges who are retired for disability upon recommendation of judicial qualifications commission; amending §§122.02(4), 122.03(2) and (6), 122.05(3), 122.08(9)(a), 122.34(5), 123.03(4) and (5) and 123.07(7)(a), Florida Statutes, 1973, providing for increased interest rates effective July 1, 1975, for the purchase of retirement credit under these chapters, providing that interest on contributions for prior service under chapter 122 be charged only from date of service; amending §122.08(4), Florida Statutes, 1973, correcting the retirement age for persons becoming members on or after July 1, 1963; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 4066 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Brantley	Deeb	Gallen
Barron	Childers	Firestone	Gillespie

Glisson	Lewis	Scarborough	Weber
Gordon	McClain	Sims	Wilson
Gruber	Myers	Stolzenburg	Winn
Henderson	Pettigrew	Sykes	Zinkil
Johnson	Poston	Trask	
Johnston	Saunders	Vogt	
Lane (23rd)	Sayler	Ware	

Nays—None

By unanimous consent Senators Peterson, Graham and Smathers were recorded as voting yea.

HB 3924—A bill to be entitled An act relating to pensions; amending §112.05, Florida Statutes, 1973, adding subsection (3) to §238.171, Florida Statutes, 1973, and creating §291.325, Florida Statutes, to provide cost-of-living adjustments to persons receiving benefits under the provisions of chapter 112, Florida Statutes, as retired public officers and employees, benefits or allowances as incapacitated teachers, or benefits under the confederate pension provisions of the statute; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 3924 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Gordon	Pettigrew	Vogt
Barron	Gruber	Poston	Ware
Brantley	Henderson	Saunders	Weber
Childers	Johnson	Sayler	Wilson
Deeb	Johnston	Scarborough	Winn
Firestone	Lane (23rd)	Sims	Zinkil
Gallen	Lewis	Stolzenburg	
Gillespie	McClain	Sykes	
Glisson	Myers	Trask	

Nays—None

By unanimous consent Senators Peterson, Graham and Smathers were recorded as voting yea.

On motion by Senator Saunders, unanimous consent was obtained to take up out of order—

HB 3819—A bill to be entitled An act relating to the municipal firemen's pension trust fund; amending section 175.121, Florida Statutes; providing that funds received under this chapter be deposited in the insurance commissioner's regulatory trust fund for distribution; providing an effective date.

—which was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 3819 was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

Mr. President	Gillespie	McClain	Vogt
Barron	Glisson	Myers	Ware
Brantley	Gordon	Peterson	Weber
Childers	Gruber	Pettigrew	Winn
Deeb	Henderson	Saunders	Zinkil
de la Parte	Johnson	Sayler	
Firestone	Johnston	Sims	
Gallen	Lewis	Trask	

Nays—1

Wilson

By unanimous consent Senators Smathers and Graham were recorded as voting yea.

On motions by Senator Saunders, House Bills 3828, 3827, 3830, 3832 and 3829 were withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On motion by Senator Saunders, unanimous consent was obtained to take up out of order—

HB 3828—A bill to be entitled An act relating to liquefied petroleum gas; amending sections 527.02(2), 527.13(2) and 527.15(7), Florida Statutes, by providing that revenues collected under this chapter be deposited in the insurance commissioner's regulatory trust fund; providing an effective date.

—which was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 3828 was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

Mr. President	Gillespie	McClain	Vogt
Barron	Glisson	Myers	Ware
Brantley	Gordon	Peterson	Weber
Childers	Gruber	Pettigrew	Winn
Deeb	Henderson	Saunders	Zinkil
de la Parte	Johnson	Sayler	
Firestone	Johnston	Sims	
Gallen	Lewis	Trask	

Nays—1

Wilson

By unanimous consent Senators Smathers and Graham were recorded as voting yea.

On motion by Senator Saunders, unanimous consent was obtained to take up out of order—

HB 3827—A bill to be entitled An act relating to insurance; amending sections 624.516(1) and (3) and 624.517(1), Florida Statutes, providing that funds received under section 624.515, Florida Statutes, shall be deposited in the insurance commissioner's regulatory trust fund; providing the department of insurance may reduce the regulatory assessment if the assessment will result in more money than is needed to defray the expenses of the state fire marshal; providing an effective date.

—which was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 3827 was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

Mr. President	Gillespie	McClain	Vogt
Barron	Glisson	Myers	Ware
Brantley	Gordon	Peterson	Weber
Childers	Gruber	Pettigrew	Winn
Deeb	Henderson	Saunders	Zinkil
de la Parte	Johnson	Sayler	
Firestone	Johnston	Sims	
Gallen	Lewis	Trask	

Nays—1

Wilson

By unanimous consent Senators Smathers and Graham were recorded as voting yea.

On motion by Senator Saunders, unanimous consent was obtained to take up out of order—

HB 3830—A bill to be entitled An act relating to insurance; amending section 624.314, Florida Statutes, to provide for the deposit of all funds from the sale of publications in the insurance commissioner's regulatory trust fund; removing the maximum amount retained in the publications revolving trust fund since the publications trust fund is being abolished; providing an effective date.

—which was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 3830 was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

Mr. President	Gillespie	McClain	Vogt
Barron	Glisson	Myers	Ware
Brantley	Gordon	Peterson	Weber
Childers	Gruber	Pettigrew	Winn
Deeb	Henderson	Saunders	Zinkil
de la Parte	Johnson	Sayler	
Firestone	Johnston	Sims	
Gallen	Lewis	Trask	

Nays—1

Wilson

By unanimous consent Senators Smathers and Graham were recorded as voting yea.

On motion by Senator Saunders, unanimous consent was obtained to take up out of order—

HB 3832—A bill to be entitled An act relating to insurance; amending section 624.522, Florida Statutes, by repealing present subsection (6) relating to the transfer of funds from various trust funds to the insurance commissioner's regulatory trust fund and renumbering present subsection (7) as subsection (6); providing an effective date.

—which was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 3832 was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

Mr. President	Gillespie	McClain	Vogt
Barron	Glisson	Myers	Ware
Brantley	Gordon	Peterson	Weber
Childers	Gruber	Pettigrew	Winn
Deeb	Henderson	Saunders	Zinkil
de la Parte	Johnson	Sayler	
Firestone	Johnston	Sims	
Gallen	Lewis	Trask	

Nays—1

Wilson

By unanimous consent Senators Smathers and Graham were recorded as voting yea.

On motion by Senator Saunders, unanimous consent was obtained to take up out of order—

HB 3829—A bill to be entitled An act relating to the municipal police officers' retirement trust fund; amending section 185.10, Florida Statutes, by providing that funds received under this chapter be deposited in the insurance commissioner's regulatory trust fund for distribution; providing an effective date.

—which was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 3829 was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

Mr. President	Gillespie	McClain	Vogt
Barron	Glisson	Myers	Ware
Brantley	Gordon	Peterson	Weber
Childers	Gruber	Pettigrew	Winn
Deeb	Henderson	Saunders	Zinkil
de la Parte	Johnson	Sayler	
Firestone	Johnston	Sims	
Gallen	Lewis	Trask	

Nays—1

Wilson

By unanimous consent Senators Smathers and Graham were recorded as voting yea.

HB 4122—A bill to be entitled An act relating to unemployment compensation; amending §443.03(5) (n), Florida Statutes, 1973, and adding paragraph (o) thereto; providing coverage for community college and local government employees; amending §443.04(2) (a), Florida Statutes, 1973, providing for an increase of the maximum weekly benefit amount; adding subsection (6) to §443.08, providing for reimbursement of benefits paid to employees of political subdivisions; amending §443.12(2), Florida Statutes, 1973, providing clarification of rule-making authority; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 4122 was read the third time by title, passed and certified to the House. The vote was:

Yeas—30

Mr. President	Gordon	Myers	Vogt
Brantley	Gruber	Peterson	Ware
Childers	Henderson	Pettigrew	Weber
Deeb	Johnson	Sayler	Wilson
Firestone	Johnston	Sims	Winn
Gallen	Lane (23rd)	Stolzenburg	Zinkil
Gillespie	Lewis	Sykes	
Glisson	McClain	Trask	

Nays—None

By unanimous consent Senators Smathers and Graham were recorded as voting yea.

HB 3757—A bill to be entitled An act relating to community colleges; creating §230.7661, Florida Statutes; providing a procedure for determining the transportation density index; amending §230.767, Florida Statutes; providing procedures for determining state financial support and the annual apportionment to each community college district; repealing §230.766, Florida Statutes, relating to procedures for determining the number of transportation units for community colleges; providing an effective date.

—was read the second time by title. On motion by Senator Graham, by two-thirds vote HB 3757 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Graham	Peterson	Vogt
Brantley	Gruber	Pettigrew	Ware
Deeb	Henderson	Poston	Weber
de la Parte	Johnson	Sayler	Wilson
Firestone	Johnston	Sims	Winn
Gallen	Lane (23rd)	Smathers	Zinkil
Gillespie	Lewis	Stolzenburg	
Glisson	McClain	Sykes	
Gordon	Myers	Trask	

Nays—None

SB 284 was taken up, together with:

By the Committee on Criminal Justice—

CS for SB 284—A bill to be entitled An act relating to criminal analysis laboratories; providing a legislative intent; providing a statewide laboratory system; amending section 23.086 (5)(b), Florida Statutes; providing for laboratory services; providing for powers and duties of the department of law enforcement; providing for matching funds for existing laboratories; providing an option to become a state operated laboratory; providing a crime laboratory council; providing for duties of the council; providing for organization of the council; providing for compensation; providing an appropriation; providing an effective date.

—which was read the first time by title and SB 284 was laid on the table.

On motion by Senator Pettigrew, by two-thirds vote CS for SB 284 was read the second time by title.

The Committee on Ways and Means offered the following amendments which were moved by Senator Pettigrew and adopted:

Amendment 1—On page 2, line 20, after the word "Palm Beach" insert: , Indian River

Amendment 2—On page 4, line 10, strike "and"

Amendment 4—On page 4, after line 11, insert: ; and (e) Indian River Crime laboratory

Amendment 5—On page 8, line 24, strike the period (.) and insert: provided that section 14(2) regarding matching funds shall take effect January 1, 1975.

Amendment 6—On page 8, strike all of lines 4 through 20 and insert the following:

1. Jacksonville	
Operations	\$ 390,325
Capital Outlay	545,490
Subtotal	935,815
2. Pensacola	
Operations	\$ 100,250
Capital Outlay	51,980
Subtotal	152,230
3. Tallahassee	
Operations	\$ 293,748
Capital Outlay	0
Subtotal	293,748
4. Tampa	
Operations	\$ 601,757
Capital Outlay	745,167
Subtotal	1,346,924
TOTAL	\$2,728,717

Amendment 7—On page 8, line 21, strike "\$615,000" and insert: \$332,250

On motion by Senator Pettigrew, by two-thirds vote CS for SB 284 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—33

Mr. President	Glisson	Peterson	Trask
Barron	Gordon	Pettigrew	Vogt
Brantley	Gruber	Poston	Ware
Childers	Johnson	Sayler	Weber
Deeb	Johnston	Scarborough	Winn
de la Parte	Lane (23rd)	Sims	Zinkil
Firestone	Lewis	Smathers	
Gallen	McClain	Stolzenburg	
Gillespie	Myers	Sykes	

Nays—None

By unanimous consent Senator Graham was recorded as voting yea.

Senator McClain moved that HB 2922 be recalled from the House. The motion failed.

SB 647—A bill to be entitled An act relating to elections; amending section 97.021(14), Florida Statutes, redefining "minority political party"; amending section 98.111(5), Florida Statutes, providing for registrants' choice of political affiliation; amending sections 101.261 and 101.262, Florida Statutes, providing the requirements for placing the names of minority political party candidates for legislative, state, and local offices on the general election ballot; amending section 103.021(3), Florida Statutes, providing the requirements for placing the names of minority political party candidates for president and vice president of the United States on the general election ballot; repealing section 103.021(4), Florida Statutes, relating to procedure for printing names on the general election ballot; providing a severability clause; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote SB 647 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Gruber	Peterson	Trask
Barron	Henderson	Poston	Vogt
Brantley	Johnson	Saunders	Ware
Childers	Johnston	Sayler	Williams
Deeb	Lane (23rd)	Scarborough	Wilson
Firestone	Lewis	Smathers	Winn
Gallen	McClain	Stolzenburg	Zinkil
Gordon	Myers	Sykes	

Nays—2

Gillespie Glisson

By unanimous consent Senator Graham was recorded as voting yea.

On motion by Senator Barron, unanimous consent was obtained to take up out of order—

SJR 917—A joint resolution proposing an amendment to Section 2, Article I of the State Constitution, relating to basic rights; prohibiting discrimination based upon physical or mental handicaps.

—which was read the second time.

The Committee on Health and Rehabilitative Services offered the following amendments which were moved by Senator Barron and adopted:

Amendment 1—On page 1, lines 26 and 30, strike “or mental”

Amendment 2—On page 1, line 7, strike “or mental”

On motion by Senator Barron, by two-thirds vote SJR 917 as amended was read the third time in full as follows:

SJR 917—A joint resolution proposing an amendment to Section 2, Article I of the State Constitution, relating to basic rights; prohibiting discrimination based upon physical handicaps.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 2, Article I of the State Constitution is agreed to and shall be submitted to the electors of the state for approval or rejection at the general election to be held in November, 1974:

ARTICLE I

DECLARATION OF RIGHTS

SECTION 2. Basic rights.—All natural persons are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property; except that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law. No person shall be deprived of any right because of race or, religion, or physical handicap.

STATEMENT OF PROPOSAL

The proposal shall appear on the ballot as follows:

The resolution provides that no person shall be discriminated against because of a physical handicap.

—and passed as amended with the required constitutional three-fifths vote of the membership and was ordered engrossed. The vote was:

Yeas—27

Mr. President	Gordon	McClain	Smathers
Barron	Gruber	Myers	Trask
Childers	Henderson	Peterson	Vogt
de la Parte	Johnson	Poston	Weber
Firestone	Johnston	Saunders	Wilson
Gillespie	Lane (23rd)	Scarborough	Winn
Glisson	Lewis	Sims	

Nays—None

By unanimous consent Senator Graham was recorded as voting yea.

HB 2040—A bill to be entitled An act relating to health insurance; amending part VI of chapter 627, Florida Statutes, 1971, by adding new section 627.642 to require the department of insurance to adopt rules and regulations establishing minimum standards for the content of individual health policy forms; provide for the minimum benefits in certain categories of such forms; provide for an outline of coverage for such forms; provide for the disapproval of noncomplying forms; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 2040 was read the third time by title, passed and certified to the House. The vote was:

Yeas—17

Deeb	Gordon	Poston	Wilson
Firestone	Gruber	Scarborough	Winn
Gallen	Lewis	Stolzenburg	
Gillespie	Myers	Vogt	
Glisson	Peterson	Ware	

Nays—13

Mr. President	Johnson	Smathers	Zinkil
Barron	Johnston	Sykes	
Childers	Saunders	Trask	
Henderson	Sayler	Weber	

By unanimous consent Senator Graham was recorded as voting yea.

CS for HB 3822—A bill to be entitled An act relating to pollution control; amending the water pollution control and sewage treatment plant grant act of 1970 to increase the percentage of project cost which is eligible for grants and to consider such grants an advance on federal funds if federal law allows such a program; providing that funds in the sewage treatment revolving loan program shall be transferred to a state water pollution control trust fund; amending subsection (4) of §403.1826, Florida Statutes, and adding subsection (10) thereto, and amending §403.1835(8), Florida Statutes; providing an effective date.

On motion by Senator Ware, by two-thirds vote CS for HB 3822 was read the second time by title.

Senator Ware moved that the rules be waived and CS for HB 3822 be read the third time by title. The motion failed.

On motion by Senator Firestone the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has passed—

SB 689	CS for SB 997	SB 650
CS for SB 506	SB 746	SB 218
CS for SB 84	SB 1125	SB 1113
SB 1081	SB 1130	SB 1124
SB 1117	SB 983	CS for SB 643
SB 172		

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has adopted SCR 1119.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Mallory E. Horne, President

May 31, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Stolzenburg—

SB 553—A bill to be entitled An act relating to motor vehicle licenses; amending §§320.04(1), 320.06(7) and 320.0611(1), and (2), Florida Statutes; reducing from two dollars to fifty cents the charge for issuance of a duplicate registration certificate; providing for a fee of fifty cents for issuance of transfer of registration certificate; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 9, after the colon insert the following: Section 4. Section 325.16, F. S., is amended to read: 325.16 Defective vehicles; repair procedures.—When a motor vehicle required to be inspected under this part shall upon inspection fail to meet the safety requirements of this part, the safety equipment inspection station making such inspection shall issue an authorized receipt and statement for such vehicle indicating that it has been inspected and shall enumerate the defects found. The owner or operator shall have such defects corrected or repaired at any place as he chooses. ~~within ten days of the finding of such defects.~~ The authorized receipt and statement shall operate as a temporary valid inspection permit for thirty days after the defect is found, during which time the operator shall not be subject to the penalty as provided in section 316.285, F. S., for the purpose of allowing the owner or operator of such vehicle to repair the defect. The vehicle may be reinspected one time for such defects within ~~ten~~ thirty days at the safety equipment inspection station first making the inspection, without additional charge; however, upon payment of the inspection fee, the vehicle may be reinspected at another safety equipment inspection station.

(Renumber subsequent section.)

Amendment 2—On page 1, line 10, after the semicolon insert: amending section 325.16, F. S., to provide that when a vehicle has failed to pass inspection the official receipt and statement shall operate as a temporary permit for the purpose of repairing and reinspection of the vehicle;

On motions by Senator Stolzenburg, the Senate concurred in House amendments 1 and 2 to SB 553.

SB 553 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—32

Mr. President	Gordon	McClain	Sykes
Brantley	Graham	Pettigrew	Trask
Childers	Gruber	Poston	Vogt
Deeb	Henderson	Saylor	Ware
Firestone	Johnson	Scarborough	Weber
Gallen	Johnston	Sims	Wilson
Gillespie	Lane (23rd)	Smathers	Winn
Glisson	Lewis	Stolzenburg	Zinkil

Nays—None

The Honorable Mallory E. Horne, President

May 31, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator de la Parte and others—

SB 48—A bill to be entitled An act relating to the intangible personal property tax act; amending §199.052(3) and (5), Florida Statutes, 1972 Supplement, providing two exemptions for husband and wife filing jointly; providing a single exemption for an affiliated group of corporations making a consolidated return; amending §199.072(1), Florida Statutes, adding paragraph (g) thereto; providing an exemption of twenty thousand dollars for each taxpayer except agents and fiduciaries; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1 (title amendment)—On page 1, lines 3—14, strike all of the language and insert the following: A bill to be entitled An act relating to taxation of intangible personal property; amending §199.023(1)(a), Florida Statutes, to include annuities and life insurance policies in definition of money and to include beneficial interest in margin accounts as subject to tax; amending §199.052(2) and (3), Florida Statutes, and creating subsection (9), to extend the filing exclusion to all taxpayers, husband and wife filing joint returns shall be entitled to two exemptions, providing for reporting and payment of tax on stock held in margin accounts; creating subsection (3) to §199.072, Florida Statutes, to exempt twenty thousand dollars (\$20,000) of property owned by natural persons; amending §199.222(1), Florida Statutes, to allow limited access to returns by the auditor general and the taxpayer; amending §199.062(1) to make all reports bear either social security numbers or federal identification numbers; providing an effective date.

Amendment 2—On page 1, line 18, strike everything after the enacting clause and insert the following: Section 1. Paragraph (a) of subsection (1) of section 199.023, Florida Statutes, 1971, is amended to read:

199.023 Definitions.—The following terms and phrases when used in this chapter shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Intangible personal property" means all personal property which is not in itself intrinsically valuable, but which derives its chief value from that which it represents, including, but not limited to, the following:

(a) Money, including, without limitation, United States legal tender, certificates of deposit, cashier's and certified checks, bills of exchange, drafts, the cash equivalent of annuities and life insurance policies and similar instruments:

1. Held by a taxpayer; or
2. Deposited in or with banks or other corporations, institutions, or persons doing a similar type of business; or
3. Placed with, deposited with, or entrusted as a shareholder to building and loan associations, savings associations, credit unions or ~~and~~ similar institutions; or
4. Deposited with or held by any person.

Section 2. Subsections (2) and (3) of section 199.052, Florida Statutes, 1972 Supplement, are amended and subsection (9) is added to said section to read:

199.052 Returns.—

(2) ~~No taxpayer~~ Every person subject to the annual tax imposed by this chapter, ~~except agents and fiduciaries,~~ shall ~~not~~ be required to file a return or pay a tax thereunder if the aggregate annual tax upon the taxpayer's ~~his~~ intangible personal property for any year is less than five dollars; ~~provided that agents and fiduciaries shall report for each person for whom they hold intangibles if the aggregate annual tax on each person is more than five dollars (\$5).~~

(3) Husband and wife may file a joint return listing all intangible personal property held jointly or singly by them, and they shall be jointly liable for the payment of all taxes due under this chapter. ~~Husband and wife filing jointly shall be entitled to two exemptions as provided in §199.072(1)(g).~~

(9) Stock held in other than a fiduciary relationship in margin accounts shall be reported and the tax thereon paid by the customer purchasing the same, but under no circumstances shall the security broker from whom the stock is purchased be required to report or pay the tax on said margin accounts.

Section 3. Subsection (3) is added to section 199.072, Florida Statutes, 1971, to read:

199.072 Exemptions.—

(5) There shall be allowed to every taxpayer who is a natural person an exemption of the first twenty thousand dollars

(\$20,000) of property subject to the taxes imposed by §199-032(1). Agents and fiduciaries filing as such shall not be entitled to claim the exemption afforded hereby in their own right, or on behalf of their principals or beneficiaries. When any property is held by an agent or fiduciary, a principal or beneficiary may file a return and the exemption afforded hereby may be claimed by such principal or beneficiary on his return. No taxpayer shall be entitled to more than one exemption as provided by this section

Section 4. Subsection (1) of section 199.222, Florida Statutes, 1971, is amended to read:

199.222 Information confidential.—

(1) It is unlawful for the department of any examiner or employee to divulge or make known in any manner the values of any particulars set forth or disclosed in any report or return required. Nothing herein shall be construed to prohibit the publication of statistics, so classified as to prevent the identification of particular reports or returns. However, the department shall permit the auditor general of the state or his authorized agent, and may permit the Commissioner of Internal Revenue or other duly authorized official of the Internal Revenue Service of the United States or the proper officer of any state or his authorized agent to inspect the tax returns of any individual, and the department may furnish to such person an abstract of any return or any item of information contained in any return. The department shall also permit a taxpayer, his authorized representative, or the administrator or executor of his estate to inspect a taxpayer's return and may furnish an abstract of such return.

Section 5. Subsection 199.062(1), Florida Statutes, is amended to read:

199.062 Information reports; companies, corporations and brokers.—

(1) Every company or corporation, including financial institutions, qualified to do business in this state, domestic or foreign, shall, on or before April 1 of each year, forward to the department a record of all registered holders of its securities of record as of December 31 of the preceding year, taxable under this chapter, whose mailing address on the records of the company or corporation or its agencies is within the state. Such record shall contain the name, address, and social security or federal identification number, if available, of each registered holder, together with the number and class of shares of stock and the published market value, or just value as of January 1, if not listed or regularly traded, the face amount and class of bonds registered in the holder's name, and such other information as the department may require from time to time. Payment of the tax on any class of such securities, as agent, by any such company or corporation, including any such financial institution, shall exempt such company or corporation, including financial institutions, from the provisions of this subsection and of subsection (4) with respect to such securities and the holders thereof.

Section 6. This act shall take effect December 31, 1974.

On motions by Senator Sykes, the Senate concurred in House amendments 1 and 2 to SB 48.

SB 48 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—34

Mr. President	Glisson	McClain	Trask
Barron	Gordon	Myers	Vogt
Brantley	Graham	Pettigrew	Ware
Childers	Gruber	Poston	Weber
Deeb	Henderson	Saylor	Wilson
de la Parte	Johnson	Sims	Winn
Firestone	Johnston	Smathers	Zinkil
Gallen	Lane (23rd)	Stolzenburg	
Gillespie	Lewis	Sykes	

Nays—None

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to HB 4009 and requests the Senate to recede.

By Representative Culbreath—

HB 4009—A bill to be entitled An act relating to the municipality of St. Leo in Pasco County; amending section 1 of Chapter 67-1989, Laws of Florida, relating to the re-location of the city boundaries; providing an effective date.

Allen Morris, Clerk

On motion by Senator Trask, the Senate receded from Senate Amendment 1 to HB 4009.

HB 4009 passed and was certified to the House. The vote was:

Yeas—30

Mr. President	Gordon	Myers	Trask
Brantley	Graham	Pettigrew	Vogt
Childers	Gruber	Poston	Ware
Deeb	Henderson	Saylor	Wilson
Firestone	Johnson	Sims	Winn
Gallen	Lane (23rd)	Smathers	Zinkil
Gillespie	Lewis	Stolzenburg	
Glisson	McClain	Sykes	

Nays—None

By unanimous consent Senator Peterson was recorded as voting yea.

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has passed, with amendments—

By the Committee on Education—

CS for SB 492—A bill to be entitled An act relating to schools; amending sections 233.07, 233.08, 233.09, 233.10, 233.11, 233.14, 233.16, 233.17, 233.25, 233.33, 233.34, 233.37, 233.39, 233.43, 233.44, 233.46, 233.47, 233.48, Florida Statutes, providing for changing the name of the textbook councils to the instructional materials councils; providing for membership, powers and duties of the instructional materials councils; providing for guidelines for recommendation of instructional materials; providing for unlawful contacts between state instructional materials council members and publishers or manufacturers of instructional materials; providing for term of adoption of instructional materials deleting authorization for purchase of instructional materials by the department; providing for duties and responsibilities of publishers and manufacturers of instructional materials; deleting prohibition against use of materials not on adopted list; providing for use of the instructional materials allocations by school boards; providing for duties of superintendents and principals; providing for responsibility of pupils, parents or guardians, providing for dropping of textbooks from records; providing for administrative expenses; creating section 233.115, Florida Statutes, providing for prohibited acts, and providing penalties therefor; repealing sections 233.01, 233.02, 233.03, 233.04, 233.05, 233.06, Florida Statutes, relating to the courses of study council and special courses of study councils, section 233.13, Florida Statutes, relating to the state furnishing textbooks in the public schools, section 233.22, Florida Statutes, relating to the department of education filling orders with the publisher, section 233.23, Florida Statutes, relating to duties of superintendent regarding invoices, section 233.24, Florida Statutes, relating to approval and payment of textbook invoices section 233.32, Florida Statutes, relating to rules and regulations for textbook accounting, distribution and preservation, section 233.36, Florida Statutes, relating to records, section 233.41, Florida Statutes, relating to suits in the name of the state, section 233.42, Florida Statutes, relating to suits for damage to books, section 233.44(2), Florida Statutes, relating to books destroyed by fire or storm, section 233.46(1) through (4) Florida Statutes, relating to requisition, storage, distribution and receipt for books by principals and teachers, and section 233.50, Florida Statutes, relating to textbook related materials; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 4, line 11, strike "January 1, 1975" and insert: June 30, 1974

Amendment 2—On page 4, line 16, strike the period after "reappointment" and insert the following: and no member shall serve more than two consecutive terms on any council.

Substitute Amendment 4—On page 23, line 20, strike all of section 10 and insert: Section 10. Section 233.22, Florida Statutes, is amended to read: (Substantial rewording of section. See §233.22, F.S., for present text.) The superintendent shall requisition adopted instructional materials from the depository of the publisher with whom a contract has been made. The superintendent shall verify that such requisition is complete and accurate and order the depository to forward to him the adopted instructional materials shown by the requisition. The depository shall prepare an invoice of the materials shipped and mail it to the superintendent to whom the shipment is being made. The superintendent shall pay the depository within sixty days after receipt of the requisitioned materials from the appropriation for the purchase of adopted instructional materials. The superintendent shall also pay the transportation charges incurred in the shipment of adopted materials and shall requisition from the department reimbursements for these charges. The department shall make such reimbursements from the funds budgeted for that purpose.

Amendment 5—On page 30, line 20, after the period "." insert the following and renumber subsequent sections

Section 1. Section 229.561, Florida Statutes, 1973, is amended to read:

(Substantial rewording of section. See §229.561, F.S., 1973, for present text.)

229.561 Educational research and development.—There is hereby created an educational research and development program which shall be administered by a director of research and development under the direction of the commissioner of education. It is the intent of the legislature that funds shall be allocated each year for the sole purpose of sponsoring the design, development, testing, and evaluation, on a pilot project basis, of alternative educational practices in areas of critical concern to present and future educational needs of the state. The director of research and development under the direction of the commissioner of education shall develop and implement an educational research and development program as hereinafter provided. The commissioner of education shall annually transmit, at least thirty (30) days prior to the regular session of the legislature, to members of the state board of education, the president of the senate, the speaker of the house of representatives, and to the chairmen of the senate and the house of representatives committees on education, a two (2) year plan for implementing a program of applied educational research and development. The plan shall also include a detailed explanation of expenditures for the current and the coming fiscal year. Support for the research and development program shall be included in the legislative budget of the commissioner.

(1) DIRECTOR OF RESEARCH AND DEVELOPMENT.—The program shall be administered by a director of research and development who shall be responsible to the commissioner of education.

(a) The director shall be appointed by the commissioner of education from a list of individuals recommended by the board of advisors.

(b) The duties and responsibilities of the director shall include:

1. Attending all meetings of the board of advisors and acting in an advisory capacity to the board.
2. Keeping the minutes of all official actions and proceedings of the board and such other records as may be necessary to provide complete information regarding educational research and development.
3. Submitting annual budget recommendations to the commissioner of education.
4. Employing staff sufficient to oversee and administer all operational research and development projects.

5. Reviewing all project applications and making any recommendations he deems necessary to the board of advisors and commissioner of education.

6. Publicizing all board of advisors' meetings and disseminating information relating to educational research and development projects.

(2) BOARD OF ADVISORS FOR EDUCATIONAL RESEARCH AND DEVELOPMENT.—The state board of education shall, from a list of individuals submitted by the commissioner of education, appoint fourteen (14) members of the board of advisors for educational research and development. The board shall, as nearly as practicable, reflect the social and geographic composition of the state.

(a) The board shall not exceed sixteen (16) members from the following categories:

1. Five (5) teachers from the public schools, selected from a list of fifteen (15) teachers nominated for Florida Teacher of the Year.

2. Two (2) public school administrators from the local district level, selected from a list of six (6) nominees submitted by the Florida Association of Secondary School Principals and the Florida Elementary School Principals Association.

3. Two (2) parents with children attending the public schools, from a list of six (6) nominees submitted by the Florida Parent Teachers Association.

4. Two (2) district school board members, selected from a list of six (6) nominees submitted by the Florida School Boards Association.

5. One (1) university professor teaching at a public university in the state, selected from a list of three (3) nominees submitted by the Board of Regents.

6. One (1) university professor teaching at a private university in the state, from a list of three (3) nominees submitted by the State Board of Independent Colleges and Universities.

7. One (1) community college instructor teaching at a public community college in the state, selected from a list of three nominees submitted by the State Community College Council.

8. The board shall also include one member of the house of representatives selected by the speaker of the house of representatives and one member of the senate selected by the president of the senate.

(b) The director of research and development shall act as secretary and ex-officio member of the board.

(c) The terms of appointment for each member shall be three (3) years or until a successor is appointed, except in case of an appointment to fill a vacancy, in which case the appointment shall be for the unexpired term, provided, however, the terms of the initial members shall expire as follows: six (6) on July 1, 1975; five (5) on July 1, 1976; and five (5) on July 1, 1977. The board shall hold not less than four (4) annual meetings, not more than two (2) of which shall be in Tallahassee, for the purpose of carrying out the duties and responsibilities assigned to it, such meetings to be held according to a schedule arranged by the commissioner of education.

(d) As soon as practicable following appointment of the board of advisors, the commissioner of education shall call an organizational meeting of the board. From among its members, the board shall elect a chairman to preside over meetings of the board and to perform any other duties directed by the board or required by its duly adopted policies or operating procedures. The duties and responsibilities of the board shall include:

1. Submitting annually to the commissioner of education a priority list of specific educational and education-related issues which are designed to improve the effectiveness of public education in Florida.

2. Reviewing periodically the activities of each project sponsored by the educational research and development program and making recommendations to the commissioner of education concerning the operation of such projects.

3. Reviewing annually the evaluative data on each project sponsored by the educational research and development program and making recommendations to the commissioner of education concerning the potential benefits the project findings and results have for education in Florida and suggesting strategies for implementing the findings in the state including priorities, target areas, phasing, and sequence.

4. Acting in an advisory capacity to the director of research and development and the commissioner of education in the development of guidelines and specifications for projects to be sponsored by the educational research and development program.

5. Recommending to the commissioner of education projects which should be approved for sponsorship by the educational research and development program.

6. Reviewing all project specifications, including funding, prior to their submission to the commissioner of education for inclusion in the two (2) year plan as required by this act.

7. Recommending to the commissioner of education a list of persons qualified to be appointed director of educational research and development.

(e) After reviewing the evaluative data from each sponsored project, the board shall, at least thirty (30) days prior to the regular session of the legislature, file with the commissioner of education for inclusion in the commissioner's two (2) year report, a comprehensive report on the status of all projects sponsored or partially supported by educational research and development funds. This report shall include: a description of the project, the current status of the project, the present and prior funding of the project, assessment of the results or products produced by the project, and the board of advisors' recommendations.

(f) Members of the board of advisors shall be entitled to receive per diem and expenses for travel while carrying out their official business as members of the board. Such expenses shall be paid in accordance with §112.061. The department of education shall approve payment of such expenses in accordance with established rules and regulations.

(g) No member of the board of advisors for educational research and development shall, directly or indirectly, receive funds from any project sponsored or supported under the provisions of this act.

(3) REQUESTS FOR PROJECT GRANTS.—Requests for project funds shall be submitted to the director of research and development and the board of advisors pursuant to guidelines established by the board of advisors. All requests for projects sponsored under the provisions of this act shall include, but not be limited to: the specific objectives of the project, the controls to be used to insure the validity of data, an appropriate design for evaluation of the project, procedures for an assessment of the project's objectives, and adequate methods for dissemination of the results of the project.

(4) WAIVER OF REGULATIONS.—In the event the commissioner of education is provided evidence that a state board of education regulation or a district school board regulation will inhibit the success of a project, the state board of education or the district school board with regard to the district school board regulation, upon hearing the evidence presented by the commissioner of education, shall have authority to waive the impeding regulation. Any waiver of a regulation authorized by the state board of education or the district school board shall not be greater than necessary to insure the success of the project, and such waiver shall not continue beyond the actual period of the project's operation. The commissioner of education shall not approve any project requiring a waiver of state board or district school board regulations prior to receiving evidence of the official action by the state board of education or the district school board that the impeding regulations have been waived for the purpose of the project.

Amendment 6—In title on page 2, line 25, after the semicolon insert: amending §229.561, Florida Statutes, 1973; revising the educational research and development program; providing that it be administered by a director of research and development under the commissioner of education; requiring the commissioner of education to annually transmit a two (2) year plan of educational research and development to the legislature; providing duties of the director of research and development; providing for a sixteen (16) member board of

advisors for educational research and development; providing for specified representation in the membership in the board; providing duties of the board; requiring the board to annually submit a project status report; providing no board member may receive funds from a project supported by research and development funds; providing for the establishment of guidelines and a procedure for the request for project funds; providing for the waiver of any state or district school board regulation which inhibits the success of a project;

Amendment 7—On page 27, line 23, strike the period after the word "copyright" and insert the following: , provided such material is developed in accordance with the doctrine of fair use.

On motions by Senator Gordon, the Senate concurred in the House amendments to CS for SB 492.

CS for SB 492 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—30

Mr. President	Gordon	Myers	Trask
Brantley	Graham	Pettigrew	Vogt
Childers	Gruber	Poston	Ware
Deeb	Henderson	Sayler	Wilson
Firestone	Johnson	Sims	Winn
Gallen	Lane (23rd)	Smathers	Zinkil
Gillespie	Lewis	Stolzenburg	
Glisson	McClain	Sykes	

Nays—None

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 54 (cs).

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Judiciary and Health & Rehabilitative Services and Representative Fortune and others—

CS for HB 54 (cs)—A bill to be entitled An act relating to the support of dependent children; providing legislative intent to supplement existing legislation regarding the state support of dependent children; providing definitions; providing that the payment by the state of moneys for the benefit of dependent children constitutes a debt owed by the parents of said children to the state; providing for debt based upon subrogation to or assignment of judgment; providing for a judicial hearing regarding debts established by the act; providing for the service of liens to assure payment of said debts; providing for certain court orders to withhold and deliver; providing certain exemptions from lien orders under the act including homesteads; providing for the assertion of liens authorized by the act and pursuant to a court order by the department of health and rehabilitative services; providing civil liabilities for non-compliance with the act; providing a release of funds in excess of the required debt which are held by the department to the owner; providing for certain service upon banks; providing for seizure, distraint and sale of property subject to liens under this act; providing certain foreclosure procedures; providing that the department shall have the authority to set debt payment schedules and release liens or return seized property; providing for the waiver of interest upon debts due the state under the act; allowing the charge off of certain debts as uncollectible; providing for special accounts; requiring that certain assignment of earnings contracts be honored by persons employing a person owing certain child support debts; providing that the receipt of public assistance for a child shall be an assignment of rights in child support obligation; providing that all state agencies shall provide information upon request to the department of health and rehabilitative services concerning the identity and whereabouts of a person owing or asserted to be owing an obligation of support; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

On motion by Senator Myers, CS for HB 54 (cs) was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On motion by Senator Myers, unanimous consent was obtained to take up CS for HB 54 (cs) out of order. On motions by Senator Myers, by two-thirds vote CS for HB 54 (cs) was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

Mr. President	Gordon	Myers	Vogt
Brantley	Graham	Pettigrew	Ware
Childers	Gruber	Saylor	Wilson
Deeb	Henderson	Sims	Winn
de la Parte	Johnson	Smathers	Zinkil
Firestone	Lane (23rd)	Stolzenburg	
Gallen	Lewis	Sykes	
Gillespie	McClain	Trask	

Nays—None

On motion by Senator Wilson, unanimous consent was obtained to take up out of order—

CS for HB 3378—A bill to be entitled An act relating to county government; creating part III of chapter 125, Florida Statutes, consisting of §125.70 through §125.76, Florida Statutes, entitled "the county administration law of 1974"; providing legislative intent; providing for the appointment, qualification and compensation of county administrators to act as administrative heads of certain counties; providing for the administrator's powers and duties; providing that this act shall supersede any general or special law in conflict therewith; creating part IV of chapter 125, Florida Statutes, consisting of §125.80 through §125.89, Florida Statutes, entitled the "optional county charter law"; providing definitions; providing for a limitation on charter adoption by counties and prohibits certain special laws with respect to said charter; providing for general provisions of county charters; providing optional forms of government for counties desiring to adopt a county charter; providing for separation of executive and legislative powers and duties; providing for adoption and amendment of an administrative code; authorizing the adoption of a merit system under certain circumstances; providing an effective date.

—which was read the second time by title.

Senator Wilson moved the following amendments which were adopted:

Amendment 1—On page 4, line 9, strike "shall" and insert: may

Amendment 2—On page 9, line 26, strike "shall" and insert: may

Amendment 3—On page 8, strike all of lines 24 and 25 on page 8 and lines 1—17 on page 9 and on line 18 strike (3) and insert: 125.82 Charter adoption by ordinance.—

Amendment 4—On pages 7 and 8, lines 1—27, strike lines 1 and 2 page 8 and all of page 7

On motion by Senator Wilson, by two-thirds vote CS for HB 3378 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—30

Mr. President	Graham	Poston	Vogt
Brantley	Gruber	Saylor	Ware
Childers	Henderson	Scarborough	Weber
Deeb	Lane (23rd)	Sims	Wilson
Firestone	Lewis	Smathers	Winn
Gillespie	McClain	Stolzenburg	Zinkil
Glisson	Myers	Sykes	
Gordon	Pettigrew	Trask	

Nays—None

By unanimous consent Senator de la Parte was recorded as voting yea.

SB 605 was laid on the table.

On motion by Senator Firestone, unanimous consent was obtained to take up out of order—

HB 3077—A bill to be entitled An act defining diver; underwater breathing apparatus; divers down flag; providing when flag shall be displayed; providing a penalty; providing an effective date.

—which was read the second time by title. On motion by Senator Firestone, by two-thirds vote HB 3077 was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Mr. President	Glisson	McClain	Stolzenburg
Brantley	Gordon	Myers	Sykes
Childers	Graham	Pettigrew	Trask
Deeb	Gruber	Poston	Vogt
de la Parte	Henderson	Saylor	Ware
Firestone	Lane (23rd)	Sims	Winn
Gillespie	Lewis	Smathers	Zinkil

Nays—None

On motion by Senator Firestone, unanimous consent was obtained to take up out of order—

HB 3352—A bill to be entitled An act relating to the state career service system; adding paragraph (d) to §110.061(2), Florida Statutes, 1973, providing for the award of costs, expenses, and attorney's fees to the successful employee appealing from a suspension, reduction in pay, transfer, layoff, demotion or dismissal; providing an effective date.

—which was read the second time by title. On motion by Senator Firestone, by two-thirds vote HB 3352 was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Mr. President	Graham	Poston	Ware
Brantley	Gruber	Scarborough	Weber
Childers	Henderson	Sims	Winn
Deeb	Lane (23rd)	Smathers	Zinkil
Firestone	Lewis	Stolzenburg	
Gillespie	McClain	Sykes	
Glisson	Myers	Trask	
Gordon	Pettigrew	Vogt	

Nays—1

Saylor

On motion by Senator Barron the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By the Committee on Transportation—

SB 105—A bill to be entitled An act relating to traffic court cases; providing for reports to the department of highway safety and motor vehicles of final judicial disposition of all moving traffic cases; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, strike all of lines 18 and 19 through "judicial" on line 20 and insert the following: of high-

way safety and motor vehicles on a copy of the uniform traffic ticket which form shall be consistent with the Florida traffic court rules, the final judicial

On motion by Senator Poston, the Senate concurred in the House amendment to SB 105.

SB 105 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—25

Mr. President	Henderson	Poston	Vogt
Childers	Johnson	Saylor	Weber
Firestone	Lane (23rd)	Scarborough	Winn
Gillespie	Lewis	Sims	Zinkil
Glisson	McClain	Smathers	
Gordon	Peterson	Sykes	
Gruber	Pettigrew	Trask	

Nays—None

By unanimous consent Senators Myers and Graham were recorded as voting yea.

The Senate resumed Special Order.

HM 3035—A memorial to the Congress of the United States, urging the improvement of postal service.

—was read the second time in full. On motion by Senator Zinkil HM 3035 was adopted and certified to the House. The vote was:

Yeas—30

Mr. President	Graham	Pettigrew	Trask
Brantley	Gruber	Poston	Vogt
Childers	Henderson	Saylor	Ware
de la Parte	Lane (23rd)	Scarborough	Wilson
Firestone	Lewis	Sims	Winn
Gillespie	McClain	Smathers	Zinkil
Glisson	Myers	Stolzenburg	
Gordon	Peterson	Sykes	

Nays—None

HM 3359—A memorial to the Congress of the United States urging Congress to amend, and review the provisions of Public Law 93-234, the Federal Flood Disaster Protection Act of 1973.

—was read the second time in full. On motion by Senator Horne, HM 3359 was adopted and certified to the House. The vote was:

Yeas—30

Mr. President	Graham	Pettigrew	Trask
Brantley	Gruber	Poston	Vogt
Childers	Henderson	Saylor	Ware
de la Parte	Lane (23rd)	Scarborough	Wilson
Firestone	Lewis	Sims	Winn
Gillespie	McClain	Smathers	Zinkil
Glisson	Myers	Stolzenburg	
Gordon	Peterson	Sykes	

Nays—None

HCR 3246—A concurrent resolution recognizing the extraordinary services performed by Francis Turner Holland, M. D., in the promotion of highway safety, not only for the division of driver licenses of the department of highway safety and motor vehicles but for the people of the State of Florida.

—was read the second time in full. On motion by Senator Sykes, HCR 3246 was adopted and certified to the House. The vote was:

Yeas—30

Mr. President	Childers	Firestone	Glisson
Brantley	de la Parte	Gillespie	Gordon

Graham	Myers	Sims	Ware
Gruber	Peterson	Smathers	Wilson
Henderson	Pettigrew	Stolzenburg	Winn
Lane (23rd)	Poston	Sykes	Zinkil
Lewis	Saylor	Trask	
McClain	Scarborough	Vogt	

Nays—None

HCR 3060—A concurrent resolution commending Emmett S. Roberts for his distinguished career of public service.

—was read the second time in full. On motion by Senator de la Parte, HCR 3060 was adopted and certified to the House. The vote was:

Yeas—30

Mr. President	Graham	Pettigrew	Trask
Brantley	Gruber	Poston	Vogt
Childers	Henderson	Saylor	Ware
de la Parte	Lane (23rd)	Scarborough	Wilson
Firestone	Lewis	Sims	Winn
Gillespie	McClain	Smathers	Zinkil
Glisson	Myers	Stolzenburg	
Gordon	Peterson	Sykes	

Nays—None

HM 3099—A memorial to the Congress of the United States, urging that the first Sunday in August of each year be designated as Family Day.

—was read the second time in full. On motion by Senator Lewis, HM 3099 was adopted and certified to the House. The vote was:

Yeas—30

Mr. President	Graham	Pettigrew	Trask
Brantley	Gruber	Poston	Vogt
Childers	Henderson	Saylor	Ware
de la Parte	Lane (23rd)	Scarborough	Wilson
Firestone	Lewis	Sims	Winn
Gillespie	McClain	Smathers	Zinkil
Glisson	Myers	Stolzenburg	
Gordon	Peterson	Sykes	

Nays—None

HCR 3184—A concurrent resolution commending the North Florida Bass Masters for the public service they have done both in promoting the State of Florida as a tourist attraction and in contributing to the state fight for environmental conservation.

—was read the second time in full. On motion by Senator Trask, HCR 3184 was adopted and certified to the House. The vote was:

Yeas—30

Mr. President	Graham	Pettigrew	Trask
Brantley	Gruber	Poston	Vogt
Childers	Henderson	Saylor	Ware
de la Parte	Lane (23rd)	Scarborough	Wilson
Firestone	Lewis	Sims	Winn
Gillespie	McClain	Smathers	Zinkil
Glisson	Myers	Stolzenburg	
Gordon	Peterson	Sykes	

Nays—None

HM 2769—A memorial to the President of the United States urging that a proclamation be issued declaring Dr. Samuel A. Mudd innocent of complicity in the assassination of President Abraham Lincoln.

—was read the second time in full. On motion by Senator Trask, HM 2769 was adopted and certified to the House. The vote was:

Yeas—30

Mr. President	Childers	Firestone	Glisson
Brantley	de la Parte	Gillespie	Gordon

Graham
Gruber
Henderson
Lane (23rd)
Lewis
McClain

Myers
Peterson
Pettigrew
Poston
Saylor
Scarborough

Sims
Smathers
Stolzenburg
Sykes
Trask
Vogt

Ware
Wilson
Winn
Zinkil

Lewis
McClain
Myers
Peterson
Pettigrew

Poston
Saylor
Scarborough
Sims
Smathers

Stolzenburg
Sykes
Trask
Vogt
Ware

Wilson
Winn
Zinkil

Nays—None

HM 2641—A memorial to the Congress of the United States, urging Congress to suspend operation of 46 U.S.C. §289 and permit foreign vessels to transport passengers between ports in the United States during the energy crisis.

—was read the second time in full. On motion by Senator Sims, HM 2641 was adopted and certified to the House. The vote was:

Yeas—30

Mr. President
Brantley
Childers
de la Parte
Firestone
Gillespie
Glisson
Gordon

Graham
Gruber
Henderson
Lane (23rd)
Lewis
McClain
Myers
Peterson

Pettigrew
Poston
Saylor
Scarborough
Sims
Smathers
Stolzenburg
Sykes

Trask
Vogt
Ware
Wilson
Winn
Zinkil

Nays—None

HCR 2562—A concurrent resolution proposing the appointment of a select legislative committee on the Florida East Coast Transportation Corridor.

—was read the second time in full. On motion by Senator Zinkil, HCR 2562 was adopted and certified to the House. The vote was:

Yeas—30

Mr. President
Brantley
Childers
de la Parte
Firestone
Gillespie
Glisson
Gordon

Graham
Gruber
Henderson
Lane (23rd)
Lewis
McClain
Myers
Peterson

Pettigrew
Poston
Saylor
Scarborough
Sims
Smathers
Stolzenburg
Sykes

Trask
Vogt
Ware
Wilson
Winn
Zinkil

Nays—None

HCR 3468—A concurrent resolution in memory of Florida Highway Patrol Trooper Ronald Gordon Smith.

—was read the second time in full. On motion by Senator Horne, HCR 3468 was adopted and certified to the House. The vote was:

Yeas—30

Mr. President
Brantley
Childers
de la Parte
Firestone
Gillespie
Glisson
Gordon

Graham
Gruber
Henderson
Lane (23rd)
Lewis
McClain
Myers
Peterson

Pettigrew
Poston
Saylor
Scarborough
Sims
Smathers
Stolzenburg
Sykes

Trask
Vogt
Ware
Wilson
Winn
Zinkil

Nays—None

HM 2574—A memorial to the Congress of the United States requesting the institution of a uniform policy with regard to the granting of political asylum.

—was read the second time in full. On motion by Senator Gordon, HM 2574 was adopted and certified to the House. The vote was:

Yeas—30

Mr. President
Brantley
Childers

de la Parte
Firestone
Gillespie

Glisson
Gordon
Graham

Gruber
Henderson
Lane (23rd)

Nays—None

HM 3336—A memorial to the Congress of the United States, urging Congress to review the freight rate policies and regulations of the Interstate Commerce Commission so that discrimination against the shipment of solid waste and recoverable resources can be eliminated.

—was read the second time in full. On motion of Senator McClain, HM 3336 was adopted and certified to the House. The vote was:

Yeas—30

Mr. President
Brantley
Childers
de la Parte
Firestone
Gillespie
Glisson
Gordon

Graham
Gruber
Henderson
Lane (23rd)
Lewis
McClain
Myers
Peterson

Pettigrew
Poston
Saylor
Scarborough
Sims
Smathers
Stolzenburg
Sykes

Trask
Vogt
Ware
Wilson
Winn
Zinkil

Nays—None

HCR 4220—A Concurrent Resolution honoring Angel Sagaz.

—was read the second time in full. On motion by Senator Horne, HCR 4220 was adopted and certified to the House. The vote was:

Yeas—30

Mr. President
Brantley
Childers
de la Parte
Firestone
Gillespie
Glisson
Gordon

Graham
Gruber
Henderson
Lane (23rd)
Lewis
McClain
Myers
Peterson

Pettigrew
Poston
Saylor
Scarborough
Sims
Smathers
Stolzenburg
Sykes

Trask
Vogt
Ware
Wilson
Winn
Zinkil

Nays—None

HCR 4046—A concurrent resolution, urging the department of transportation to expedite construction of Interstate Highways I-75 and I-275, and to place a high priority on the planning and construction of certain portions of the highways known as U.S. 27, State Road 60, U.S. 27A, and certain other roads.

—was read the second time in full. On motion by Senator Poston, HCR 4046 was adopted and certified to the House. The vote was:

Yeas—30

Mr. President
Brantley
Childers
de la Parte
Firestone
Gillespie
Glisson
Gordon

Graham
Gruber
Henderson
Lane (23rd)
Lewis
McClain
Myers
Peterson

Pettigrew
Poston
Saylor
Scarborough
Sims
Smathers
Stolzenburg
Sykes

Trask
Vogt
Ware
Wilson
Winn
Zinkil

Nays—None

On motion by Senator Smathers the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President

May 31, 1974

I am directed to inform the Senate that the House of Representatives requests the return of SB 689.

Allen Morris, Clerk

On motion by Senator Sykes, SB 689 was returned to the House as requested.

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 2629.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representative Baumgartner—

CS for HB 2629—A bill to be entitled An act relating to drug abuse; amending §11 of chapter 73-350, Laws of Florida, appearing as §397.20, Florida Statutes, 1973, to increase the time during which certain drug abuse centers may receive funds from the drug abuse trust fund; amending §3, 4, 5, 6, 7 and 9 of chapter 73-350, Laws of Florida, appearing as sections 397.12—397.16 and 397.18, Florida Statutes, 1973, to provide for referrals from multiple sources; renaming the drug abuse trust fund; providing an effective date.

—was read the first time by title and placed on the calendar.

On motion by Senator Smathers, unanimous consent was obtained to take up CS for HB 2629 out of order.

On motions by Senator Smathers, by two-thirds vote CS for HB 2629 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—30

Mr. President	Graham	Peterson	Sykes
Brantley	Gruber	Pettigrew	Trask
Deeb	Henderson	Poston	Vogt
de la Parte	Johnston	Sayler	Ware
Firestone	Lane (23rd)	Scarborough	Winn
Gallen	Lewis	Sims	Zinkil
Gillespie	McClain	Smathers	
Glisson	Myers	Stolzenburg	

Nays—None

On motion by Senator Graham, HB 3403 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On motion by Senator Deeb, unanimous consent was obtained to take up out of order—

HB 3231—A bill to be entitled An act relating to building construction in the state; providing for minimum standard building codes; providing the purpose, intent, application and scope of said codes; providing for the adoption of an interim building code for local governments; creating a board of building codes and standards within the department of community affairs; providing for its powers and responsibilities; providing for enforcement; providing for appeals; providing for publication and distribution of the codes; providing for injunctive relief; providing for civil remedies; providing for penalties for violations; providing for severability; providing an effective date.

—which was read the second time by title. On motion by Senator Deeb, by two-thirds vote HB 3231 was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Mr. President	Graham	Myers	Smathers
Brantley	Gruber	Peterson	Trask
Deeb	Henderson	Pettigrew	Vogt
de la Parte	Johnston	Poston	Ware
Firestone	Lane (23rd)	Sayler	Wilson
Gillespie	Lewis	Scarborough	Winn
Glisson	McClain	Sims	Zinkil

Nays—None

On motions by Senator Saunders, House Bills 2569, 2388, 2626, 2443, 2371, 3145, 2315, 3098, 2472, 2247, 2820, 2387, 2530, 3653, 2431, 2400, 2255, 2448, 2379 and Senate Bills 854 and 74 were withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

CLAIM BILLS

HB 2569—A bill to be entitled An Act for the relief of Miss Elizabeth Green; directing the Duval County School Board to determine and pay damages resulting from injuries sustained by Miss Green while on property owned by the school board; providing an effective date.

—was read the second time by title. On motion by Senator de la Parte, by two-thirds vote HB 2569 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Graham	Pettigrew	Trask
Brantley	Gruber	Poston	Vogt
Deeb	Henderson	Saunders	Ware
de la Parte	Johnston	Scarborough	Weber
Firestone	Lane (23rd)	Sims	Williams
Gillespie	Lewis	Smathers	Wilson
Glisson	McClain	Stolzenburg	Winn
Gordon	Myers	Sykes	Zinkil

Nays—None

By unanimous consent Senator Peterson was recorded as voting yea.

HB 2388—A bill to be entitled An act providing for the relief of Meares Aviary, Nursery and Florist; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2388 was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Mr. President	Gruber	Myers	Sykes
Brantley	Henderson	Peterson	Vogt
Childers	Johnson	Poston	Ware
de la Parte	Johnston	Sayler	Weber
Firestone	Lane (23rd)	Sims	Williams
Gillespie	Lewis	Smathers	Wilson
Glisson	McClain	Stolzenburg	Zinkil

Nays—None

By unanimous consent Senator Graham was recorded as voting yea.

HB 2404—A bill to be entitled An act providing for the relief of George Michel, Broward County, for his financial loss and property damage caused by the department of transportation; providing an appropriation; providing an effective date.

On motion by Senator McClain, by two-thirds vote HB 2404 was read the second time by title.

Senator McClain moved the following amendments which were adopted:

Amendment 1—On page 2, lines 13 and 14, strike “fifty-seven thousand three hundred dollars (\$57,300)” and insert: thirty-five thousand two hundred ninety-two dollars (\$35,292)

Amendment 2—On page 2, lines 19 and 20, strike “fifty-seven thousand three hundred dollars (\$57,300)” and insert: thirty-five thousand two hundred ninety-two dollars (\$35,292)

On motion by Senator McClain, by two thirds vote HB 2404 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Mr. President	Graham	McClain	Trask
Brantley	Gruber	Myers	Vogt
Childers	Henderson	Peterson	Ware
de la Parte	Johnson	Poston	Weber
Firestone	Johnston	Sims	Williams
Gillespie	Lane (23rd)	Smathers	Wilson
Glisson	Lewis	Sykes	Winn

Nays—1

Zinkil

HB 2626—A bill to be entitled An act relating to Columbia County; providing for the relief of W. L. Hunter and compensation to him for medical, hospital and other expenses incurred by him on account of the injury to Glenn J. Hunter, his minor son, while the son was engaged in football practice as a member of the Columbia High School football team on September 2, 1970, at Lake City, Columbia County; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator de la Parte, by two-thirds vote HB 2626 was read the third time by title, passed and certified to the House. The vote was:

Yeas—30

Mr. President	Glisson	Myers	Ware
Brantley	Graham	Peterson	Weber
Childers	Gruber	Poston	Williams
Deeb	Henderson	Sims	Wilson
de la Parte	Johnson	Stolzenburg	Winn
Firestone	Johnston	Sykes	Zinkil
Gallen	Lewis	Trask	
Gillespie	McClain	Vogt	

Nays—None

By unanimous consent Senator Smathers was recorded as voting yea.

HB 2443—A bill to be entitled An act for the relief of Hal R. Davison; providing an appropriation to compensate him for damage inflicted upon his grape vines through the negligent spraying of a herbicide by the game and fresh water fish commission and the central and southern flood control district; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2443 was read the third time by title, passed and certified to the House. The vote was:

Yeas—27

Mr. President	Glisson	Myers	Trask
Brantley	Gruber	Peterson	Vogt
Childers	Henderson	Pettigrew	Ware
de la Parte	Johnson	Poston	Weber
Firestone	Johnston	Sims	Wilson
Gallen	Lewis	Stolzenburg	Winn
Gillespie	McClain	Sykes	

Nays—1

Zinkil

By unanimous consent Senators Graham and Smathers were recorded as voting yea.

HB 2371—A bill to be entitled An act for the relief of the State Vending Corporation; providing an appropriation to compensate it for damages sustained as a result of the negligence of the department of natural resources; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote HB 2371 was read the third time by title, passed and certified to the House. The vote was:

Yeas—26

Mr. President	Childers	Firestone	Glisson
Brantley	de la Parte	Gillespie	Gruber

Henderson	Myers	Sykes	Wilson
Johnson	Peterson	Trask	Winn
Johnston	Poston	Vogt	Zinkil
Lewis	Sims	Ware	
McClain	Stolzenburg	Weber	

Nays—None

By unanimous consent Senators Graham and Smathers were recorded as voting yea.

HB 3145—A bill to be entitled An act for the relief of L. D. Van Vleck; authorizing the district school board for Clay County to compensate him for injuries sustained by his son, Randall Van Vleck, while playing baseball for Clay High School; providing an effective date.

—was read the second time by title. On motion by Senator de la Parte, by two-thirds vote HB 3145 was read the third time by title, passed and certified to the House. The vote was:

Yeas—26

Mr. President	Gruber	Peterson	Ware
Brantley	Henderson	Poston	Weber
Childers	Johnson	Sims	Wilson
de la Parte	Johnston	Stolzenburg	Winn
Firestone	Lewis	Sykes	Zinkil
Glisson	McClain	Trask	
Graham	Myers	Vogt	

Nays—None

HB 2315—A bill to be entitled An act relating to the relief of Mildred Bass; providing an appropriation to compensate her for damages to her property sustained as a result of the negligence of the state division of forestry; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2315 was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Mr. President	Graham	McClain	Trask
Brantley	Gruber	Myers	Vogt
Childers	Henderson	Peterson	Ware
de la Parte	Johnson	Poston	Weber
Firestone	Johnston	Sims	Wilson
Gillespie	Lane (23rd)	Stolzenburg	Winn
Glisson	Lewis	Sykes	Zinkil

Nays—None

By unanimous consent Senator Smathers was recorded as voting yea.

HB 3098—A bill to be entitled An act providing for the relief of Mrs. Gertrude Fogelson; compensating her for property loss sustained and expenses incurred as a result of the negligence of the state attorney's office of the fifteenth judicial circuit; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote HB 3098 was read the third time by title, passed and certified to the House. The vote was:

Yeas—23

Mr. President	Graham	McClain	Trask
Brantley	Gruber	Peterson	Vogt
Childers	Henderson	Pettigrew	Weber
de la Parte	Johnson	Poston	Winn
Firestone	Johnston	Sims	Zinkil
Gillespie	Lewis	Sykes	

Nays—None

By unanimous consent Senator Smathers was recorded as voting yea.

HB 2472—A bill to be entitled An act for the relief of Mr. and Mrs. Robert Lynch; providing an appropriation to compensate them for injuries to their son in a Sunland Training Center; providing an effective date.

—was read the second time by title. On motion by Senator de la Parte, by two-thirds vote HB 2472 was read the third time by title, passed and certified to the House. The vote was:

Yeas—25

Mr. President	Glisson	McClain	Vogt
Brantley	Graham	Peterson	Weber
Childers	Gruber	Poston	Winn
de la Parte	Henderson	Sims	Zinkil
Firestone	Johnson	Stolzenburg	
Gallen	Johnston	Sykes	
Gillespie	Lewis	Trask	

Nays—None

By unanimous consent Senator Smathers was recorded as voting yea.

HB 2247—A bill to be entitled An act for the relief of Donna Sue Sutton; providing an appropriation to compensate her for injuries sustained at Florida State University; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2247 was read the third time by title, passed and certified to the House. The vote was:

Yeas—23

Mr. President	Gillespie	Lewis	Sykes
Brantley	Glisson	McClain	Trask
Childers	Graham	Peterson	Vogt
de la Parte	Henderson	Poston	Weber
Firestone	Johnson	Sims	Winn
Gallen	Johnston	Stolzenburg	

Nays—None

By unanimous consent Senators Gruber and Smathers were recorded as voting yea.

HB 2820—A bill to be entitled An act for the relief of Mr. H. E. Brown; authorizing and directing Gilchrist County to appropriate certain funds out of the county general fund to compensate Mr. Brown for damage to his truck; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote HB 2820 was read the third time by title, passed and certified to the House. The vote was:

Yeas—24

Mr. President	Gillespie	Lewis	Stolzenburg
Brantley	Glisson	McClain	Sykes
Childers	Graham	Peterson	Trask
de la Parte	Henderson	Poston	Vogt
Firestone	Johnson	Sims	Weber
Gallen	Johnston	Smathers	Winn

Nays—1

Zinkil

By unanimous consent Senator Gruber was recorded as voting yea.

HB 2387—A bill to be entitled An act for the relief of Rosa Brinson, a minor, providing an appropriation to compensate her for severe personal injuries and disfigurement arising out of an accident on April 15, 1968, while she was a pupil in the public schools of Palm Beach County, Florida; and providing an effective date.

—was read the second time by title.

Senator de la Parte moved the following amendment which failed:

Amendment 1—On page 2, lines 22-23, strike "twenty-five thousand dollars (\$25,000)" and insert: ten thousand dollars (\$10,000)

On motion by Senator de la Parte, by two-thirds vote HB 2387 was read the third time by title, passed and certified to the House. The vote was:

Yeas—22

Mr. President	Graham	Peterson	Vogt
Childers	Henderson	Poston	Williams
de la Parte	Johnson	Sims	Wilson
Firestone	Johnston	Smathers	Winn
Gallen	Lewis	Sykes	
Gillespie	McClain	Trask	

Nays—2

Stolzenburg Zinkil

By unanimous consent Senator Gruber was recorded as voting yea.

HB 2530—A bill to be entitled An act for the relief of F & J Auto Sales, 6219 Florida Avenue, Tampa, Florida, for losses sustained as a result of an error made by the Office of the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2530 was read the third time by title, passed and certified to the House. The vote was:

Yeas—25

Mr. President	Henderson	Sims	Williams
Childers	Johnson	Smathers	Wilson
de la Parte	Johnston	Stolzenburg	Winn
Firestone	Lewis	Sykes	Zinkil
Gallen	McClain	Trask	
Gillespie	Peterson	Vogt	
Graham	Poston	Ware	

Nays—None

By unanimous consent Senator Gruber was recorded as voting yea.

HB 3653—A bill to be entitled An act for the relief of Kenneth G. Cannon; providing compensation for loss in income incurred in defending a civil action brought by the Florida Construction Industry Licensing Board; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote HB 3653 was read the third time by title, passed and certified to the House. The vote was:

Yeas—24

Mr. President	Gillespie	McClain	Trask
Brantley	Graham	Peterson	Vogt
Childers	Henderson	Poston	Ware
de la Parte	Johnson	Sims	Williams
Firestone	Johnston	Stolzenburg	Wilson
Gallen	Lewis	Sykes	Winn

Nays—1

Zinkil

By unanimous consent Senators Gruber and Smathers were recorded as voting yea.

HB 2431—A bill to be entitled An act for the relief of Jesse D. Daniels; providing an appropriation to compensate him for the losses, damages and injuries he suffered through no fault

of his own as the result of wrongful imprisonment; providing an effective date.

—was read the second time by title. On motion by Senator de la Parte, by two-thirds vote HB 2431 was read the third time by title, passed and certified to the House. The vote was:

Yeas—23

Mr. President	Gillespie	McClain	Ware
Brantley	Graham	Poston	Williams
Childers	Henderson	Sims	Wilson
de la Parte	Johnson	Smathers	Winn
Firestone	Johnston	Stolzenburg	Zinkil
Gallen	Lewis	Trask	

Nays—None

By unanimous consent Senators Glisson, Gruber and Peterson were recorded as voting yea.

Explanation of Vote

I have some doubts about the merits of this claim bill—but I don't have all the information concerning the history of the claim—I have attempted to familiarize myself with the information available to me.

The disinterested objective parties that have reviewed this claim recommend its passage.

A few people in my district have strong feelings both pro and con.

Politically I could vote *no* and be prudent—but that would cast some element of doubt on my respected colleague, Senator Gillespie—therefore, I have no alternative but to vote *yes*.

Jim Glisson, 11th District

SB 854—A bill to be entitled An act providing for the relief of William Menoher; providing that he be reinstated as a member of the Florida retirement system upon payment to the system of his contributions to the system which were refunded him upon his termination as a state employee; providing that such reinstatement shall be retroactive to September 7, 1972; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote SB 854 was read the third time by title, passed and certified to the House. The vote was:

Yeas—25

Mr. President	Henderson	Poston	Weber
Brantley	Johnson	Sims	Wilson
de la Parte	Johnston	Smathers	Winn
Firestone	Lane (23rd)	Stolzenburg	Zinkil
Gillespie	Lewis	Sykes	
Graham	McClain	Trask	
Gruber	Peterson	Ware	

Nays—None

HB 2400—A bill to be entitled An act for the relief of Ida Mae Joiner of Orange County, on account of medical and hospital expenses and loss of earnings sustained as a result of infection caused by the course of treatment administered by employees of the Winter Garden Clinic of the Orange County Health Department during 1971 and 1972; authorizing and empowering the board of county commissioners of Orange County to investigate the claim of Ida Mae Joiner and settle the same out of designated funds in such amount as they may determine lawful and proper; providing an effective date.

—was read the second time by title. On motion by Senator de la Parte, by two-thirds vote HB 2400 was read the third time by title, passed and certified to the House. The vote was:

Yeas—22

Mr. President	Deeb	Graham	Johnson
Brantley	Firestone	Gruber	Johnston
Childers	Gallen	Henderson	Lane (23rd)

Lewis	Poston	Sykes
McClain	Smathers	Trask
Peterson	Stolzenburg	Ware

Weber

Nays—1

Zinkil

Senator Brantley presiding

HB 2255—A bill to be entitled An act for the relief of the City of Pompano Beach; providing for reimbursement for the construction of an ocean outfall in reliance on approval by the Florida state board of health; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator de la Parte, by two-thirds vote HB 2255 was read the third time by title, passed and certified to the House. The vote was:

Yeas—16

Brantley	Glisson	Lewis	Smathers
Childers	Gruber	McClain	Stolzenburg
de la Parte	Henderson	Peterson	Ware
Firestone	Johnston	Poston	Weber

Nays—5

Graham	Lane (23rd)	Sykes	Williams
Johnson			

HB 2448—A bill to be entitled An act for the relief of Timothy S. Strickland, a minor, by and through his parents, Mr. and Mrs. Glover Strickland, Tallahassee, Leon County, for damages sustained as a result of falling from a tree; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator de la Parte, by two-thirds vote HB 2448 was read the third time by title, passed and certified to the House. The vote was:

Yeas—23

de la Parte	Gruber	McClain	Stolzenburg
Firestone	Henderson	Myers	Sykes
Gallen	Johnson	Peterson	Vogt
Gillespie	Johnston	Pettigrew	Ware
Glisson	Lane (23rd)	Poston	Winn
Graham	Lewis	Scarborough	

Nays—2

Smathers Zinkil

SB 74—A bill to be entitled An act for the relief of Sergio and Otilia De La Paz, parents of Diana De La Paz, deceased; making an appropriation to compensate them for the tragic death of their daughter; providing an effective date.

—was read the second time by title.

Senator Barron moved the following amendment, which was adopted:

Amendment 1—On page 5, lines 20, 21 and 27, strike "twenty-five thousand dollars (\$25,000)" and insert: ten thousand dollars (\$10,000)

On motion by Senator de la Parte, by two-thirds vote SB 74 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—21

Childers	Gordon	McClain	Williams
Deeb	Gruber	Peterson	Wilson
de la Parte	Henderson	Poston	Winn
Firestone	Johnston	Stolzenburg	
Gallen	Lane (23rd)	Vogt	
Gillespie	Lewis	Ware	

Nays—9

Barron	Pettigrew	Sykes	Zinkil
Johnson	Sims	Trask	
Myers	Smathers		

By unanimous consent Senator Graham was recorded as voting yea.

The President presiding

Consideration of HB 2379 was deferred.

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred—

SB 74 with 1 amendment	CS for
CS for	SB 880 with 3 amendments
SB 284 with 7 amendments	SM 900 with 1 amendment
	SJR 917 with 2 amendments

—reports that the Senate amendments have been incorporated and the bills are returned herewith.

JOE BROWN, Secretary

The bills were certified to the House.

On motion by Senator Barron the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has passed SB 1108.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has passed by the required constitutional three-fifths vote of the membership of the House SJR 917.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has passed CS for SB 284.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has passed CS for SB 880.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has adopted SM 900.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has passed SB 74.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has adopted the Conference Committee Report as an entirety and passed SB 171 as amended by the Conference Committee Report.

Allen Morris, Clerk

The bill contained in the above message was ordered engrossed.

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 5A, 5B, 5C, 5D, 5G, 5H, 5I, 5J, 5K, and has amended Senate Amendment 5 to House Amendment to Senate Amendment 2, has further amended Senate Amendment 4 and concurred in same as further amended and passed CS for CS for HB 3418, as further amended.

By the Committee on Appropriations and Representative L. McDonald and others—

CS for CS for HB 3418—A bill to be entitled An act relating to public officers and employees and candidates for public office; amending §§112.311, 112.312, 112.313, 112.314, 112.316, and 112.317, Florida Statutes, 1973, and creating §§112.3145 and 112.3155, Florida Statutes, providing legislative intent; providing definitions; establishing standards of conduct for public officers and employees, candidates, advisory board members, legislators and legislative employees, and judicial officers; requiring disclosure of financial interests by source and percentage by public officers and candidates; including spouse and minor child within the definition of public officer for purposes of financial disclosure; including in the requirement to disclose total compensation received, all persons doing consulting work with an agency; providing for forms and procedures for such disclosures; providing for construction of part III of chapter 112, Florida Statutes; providing enforcement; repealing §112.318, Florida Statutes, 1973, relating to procedures on complaints of violation of part III of chapter 112, Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 2 to Senate Amendment 4—On page 1, line 13, after the second semicolon insert: amending section 4 of House Bill 2346, as enacted by the 1974 regular session of the Legislature, relating to the creation of an ethics commission, to change the effective date;

House Amendment 1 to Senate Amendment 5 to House Amendment to Senate Amendment 2—On page 12, line 7, strike lines 7 through 10 and insert: Intentional violation of any provision of this part by any officer, employee or candidate shall constitute grounds for dismissal from employment, removal from office, or removal from the ballot.

House Amendment 2 to Senate Amendment 5 to House Amendment to Senate Amendment 2—On page 12, line 17, strike all of line 17, "Section 10" and insert:

Section 10. Section 4 of House Bill 2346, as enacted by the 1974 Regular Session of the Legislature is amended to read:

Section 4. This act shall take effect July 1, 1974.

Section 11. This act shall take effect July 1, 1974.

On motions by Senator Gordon, the Senate concurred in House Amendments 1 and 2 to Senate Amendment 5 to House Amendment to Senate Amendment 2, and House Amendment 2 to Senate Amendment 4 to CS for CS for HB 3418.

CS for CS for HB 3418 passed as further amended and the action of the Senate was certified to the House. The vote was:

Yeas—28

Mr. President	Childers	de la Parte	Gillespie
Barron	Deeb	Firestone	Glisson

Gordon	Lane (23rd)	Sayler	Vogt
Graham	McClain	Sims	Williams
Gruber	Myers	Smathers	Wilson
Johnson	Peterson	Sykes	Winn
Johnston	Poston	Trask	Zinkil

Nays—6

Henderson	Pettigrew	Ware	Weber
Lewis	Stolzenburg		

The Senate resumed Special Order.

HB 4154—A bill to be entitled An act relating to the Florida retirement system; amending §121.021(15), Florida Statutes, 1973, and creating §121.022, Florida Statutes, redefining "special risk member"; stating legislative intent; providing for the designation of special risk members and the removal of such designation; providing instructions for calculating benefits; providing for appeals to the career service commission created by chapter 110, Florida Statutes, or such other appeals body that may be created by law; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendment which was moved by Senator Saunders and failed:

Amendment 1—On page 3, line 29, insert after the period (.) : The provisions of this subsection shall not apply to any special risk member who was so classified as of the effective date of this act.

Senator Saunders moved the following amendment:

Amendment 2—On pages 1—3, strike everything after the enacting clause and insert: Section 1. Subsection (1) of section 121.071, Florida Statutes, 1973, is amended and a new subsection (5) is created to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(1) Regular members shall contribute each pay period at the rate of 4 percent of gross compensation. Special risk members shall contribute each pay period at the rate of 10 6 percent of gross compensation.

(5) *Effective January 1, 1975, or such other date that special risk members are scheduled to make no contributions to the system as provided by Committee Substitute for House Bill 3909, 1974 Legislature, Regular Session, special risk members shall contribute each pay period at the rate of 4% of gross compensation which shall not be matched by each employer.*

Section 2. Paragraph (a) of subsection (1) of section 121.091, Florida Statutes, 1973, is amended to read:

121.091 Benefits payable under the system.—

(1) **NORMAL RETIREMENT BENEFIT.**—Upon attaining his normal retirement date, the member, upon application to the administrator, shall receive a monthly benefit which shall commence on the last day of the month of retirement and be payable on the last day of each month thereafter during his lifetime. The amount of monthly benefit shall be determined as the product of A and B, subject to the adjustment of C, if applicable, when:

(a) A is 1.60 percent of his average monthly compensation, up to his normal retirement age. The first year after his normal retirement age, A is 1.63 per cent of his average monthly compensation. The second year after his normal retirement age, A is 1.65 percent of his average monthly compensation. The third year after his normal retirement age, A is 1.68 percent of his average monthly compensation. A shall not exceed 1.68 percent of his average monthly compensation, except that for all creditable years of special risk service, A is 2 percent of his average monthly compensation for all creditable years prior to January 1, 1975, and 3 percent of his average compensation for all other creditable service for which he has made the contributions as provided in section 1 of this act.

Section 3. This act shall take effect October 1, 1974.

Amendment 2 was adopted by the following vote:

Yeas—17

Graham	Peterson	Smathers	Wilson
Henderson	Pettigrew	Stolzenburg	Zinkil
Lane (23rd)	Saunders	Trask	
Lewis	Sayler	Vogt	
McClain	Sims	Williams	

Nays—12

Mr. President	Firestone	Johnston	Scarborough
Brantley	Gordon	Myers	Sykes
Childers	Johnson	Poston	Winn

By unanimous consent Senator Gruber was recorded as voting yea.

Senator Saunders moved the following title amendment which was adopted:

Amendment 3—Strike the entire title and insert: A bill to be entitled An act relating to the Florida retirement system; amending §121.071(1), Florida Statutes, 1973, and adding a new (5) thereto and amending §121.091(1)(a), Florida Statutes; providing an increase in contributions and the retirement benefit for special risk members; providing an effective date.

On motion by Senator Brantley, further consideration of HB 4154 as amended was deferred.

On motion by Senator Saunders the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Education—

CS for SB 73—A bill to be entitled An act relating to the state university system; amending Section 240.062, Florida Statutes, to provide a procedure for approval of registration and tuition fees by the legislature; amending Section 240.031 (1), Florida Statutes, to provide for approval of registration and tuition fees by the legislature; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 7, after the period "." insert: (2) *Until such fees are submitted to and approved by the legislature, the fees in effect for fiscal year 1973-1974 shall remain in effect.*

Amendment 2—On page 1, line 16, after the word "legislature." insert: (1)

Amendment 3—On page 1 in title, line 7, after the semicolon insert: providing for continuation of current fees until approval of fees by the legislature;

Senator Saunders moved that the Senate concur in House Amendments 1, 2 and 3 to CS for SB 73.

The motion failed by the following vote:

Yeas—14

Mr. President	de la Parte	Saunders	Wilson
Barron	Gillespie	Sayler	Zinkil
Brantley	Glisson	Stolzenburg	
Childers	Lewis	Sykes	

Nays—22

Deeb	Johnson	Pettigrew	Vogt
Firestone	Johnston	Poston	Ware
Gordon	Lane (23rd)	Scarborough	Williams
Graham	McClain	Sims	Winn
Gruber	Myers	Smathers	
Henderson	Peterson	Trask	

On motion by Senator Saunders the Senate refused to concur in House Amendments 1, 2 and 3 to CS for SB 73, and the House was requested to recede therefrom. The action of the Senate was certified to the House.

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for HB 3692

The Honorable Mallory E. Horne
President of the Senate

May 31, 1974

The Honorable Terrell Sessums
Speaker, House of Representatives

Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on CS for HB 3692, same being:

CS for HB 3692—A bill to be entitled An act relating to the Florida educational finance program; amending §236.02 (6), Florida Statutes, as amended by chapter 73-345, Laws of Florida; providing a procedure for determining the minimum required local effort; amending §236.081(1)(b), (2), (3), (4), (5), (6) and (7), Florida Statutes, as created by chapter 73-345, Laws of Florida; fixing the base student cost for 1974-1975; providing a procedure for computation of the compensatory education supplemental cost factor; deleting provision for supplemental ad valorem tax equalization; adjusting the district cost of living factors; providing a procedure for computing district required local effort; providing for proration of current operation funds; providing a guaranteed minimum level of funding for 1974-1975; providing for the following transitional categorical programs: career education program, student enrichment and remedial program, secondary school counselors program, and developmental reading and language arts program; amending §236.083(2)(a) and (7), Florida Statutes, as created by chapter 73-345, Laws of Florida; amending route mileage calculation and providing for proration of transportation funds; amending §236.087(1)(d) and (2), Florida Statutes, as created by chapter 73-345, Laws of Florida; deleting the allocation for tax loss resulting from additional homestead exemptions; deleting the requirement for factoring the base student cost; amending §236.25(1), Florida Statutes; providing a limit on authorized district millage levies; amending §237.071(3), Florida Statutes; providing for budgeting of required local effort; amending §237.34 (3), Florida Statutes, as created by chapter 73-345, Laws of Florida, amending cost reporting procedures; repealing §196.031(4), Florida Statutes; deleting the allocation for tax loss resulting from additional homestead exemptions; amending the introductory paragraph and subparagraph 2.e. of paragraph (c) of subsection (1) of §236.081, Florida Statutes; amending cost factors; establishing procedure for allocating career education funds; establishing procedures for allocating secondary school counselor funds; amending §236.086, Florida Statutes; amending procedure for allocating elementary school counselor funds; establishing procedure for allocating student enrichment and remedial program funds; amending §232.255(3), Florida Statutes; amending procedure for allocating school safety fund; amending §229.802, Florida Statutes; amending accreditation procedures; amending §236.013(3)(a) 2 and (3)(c) 2 a and d and adding a new e; amending definition of full-time equivalent student; amending §236.084, adding a new (5); providing for adjustment in allocation of funds for comprehensive school construction and debt service; providing an effective date.

—having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the Senate recede from amendments 1 and 2.

2. That the Senate and the House of Representatives adopt conference committee amendments 1 and 2 attached hereto and by reference made a part of this report.

Managers for the Senate:

D. ROBERT GRAHAM,
Chairman
JACK D. GORDON
CURTIS PETERSON
ROBERT SAUNDERS
BRUCE SMATHERS
JAMES H. WILLIAMS

Managers for the House:

KENNETH MACKAY,
Chairman
WILLIAM BIRCHFIELD
WILLIAM CONWAY
PAUL W. DANAHY
MURRAY H. DUBBIN
ROBERT JOHNSON

Conference Committee Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Subparagraph 2 of paragraph (a) of subsection (3) and items a. and d. are amended, and item e. is added to subparagraph 2. of paragraph (c) of subsection (3) and a new subsection (14) is added to §236.013, Florida Statutes, as created by Chapter 73-345, Laws of Florida, to read:

236.013 Definitions.—Notwithstanding the provisions of §228.04, the following terms shall be defined as follows for the purpose of this act:

(3) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(a) A "full-time student" is one student on the membership roll of one school program or a combination of school programs listed under the cost factors in §236.081(1)(c) for:

2. Five school days or the equivalent, in a double session school or a school utilizing an experimental school calendar, approved by the department of education, comprising not less than the equivalent of twenty-two and one half net hours in grades four through twelve or not less than seventeen and one half net hours in kindergarten through grade three.

(c) A "full-time equivalent student" is:

2. A combination of full-time or part-time students in any one of the programs listed under the cost factors in §236.081 (1)(c) which is the equivalent of one full-time student based on the following calculations:

a. A full-time student, *except post-secondary and adult*, in a combination of programs listed under the cost factors in §236.081(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per week for which he is a member, divided by twenty-five; the difference between that fraction or sum of fractions and twenty-five twenty-fifths of the week for each full-time student shall be presumed to be the balance of the student's time not spent in said special education programs and shall be recorded as time in the appropriate basic program.

d. A part-time student, *except post-secondary and adult*, shall be a fraction of full-time equivalent membership in each basic and special program equal to the number of net hours or major fraction thereof per week for which he is a member divided by twenty-five; ~~or~~

e. All post-secondary and adult students shall be a portion of a full-time equivalent membership in each special program equal to the net hours or major fraction thereof per fiscal year for which he is a member divided by nine hundred (900); ~~or~~

(14) The "Florida education finance program" includes all programs and costs as provided in Section 236.081, Florida Statutes.

Section 2. Subsection (6) of §236.02, Florida Statutes, as amended by chapter 73-345, Laws of Florida, is amended to read:

236.02 Minimum requirements of the Florida education finance program.—Each district which participates in the state appropriations for the Florida education finance program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

(6) **MINIMUM FINANCIAL EFFORT REQUIRED.**—Make the minimum financial effort required for the support of the ~~minimum foundation~~ Florida education finance program as prescribed by law.

Section 3. Paragraph (b) of subsection (1), the introductory paragraph of paragraph (c) of subsection (1), item e. of subparagraph 2. of paragraph (c) of subsection (1) and subsections (2), (3), (4), (5), (6), and (7) of §236.081, Florida Statutes, as created by chapter 73-345, Laws of Florida, are amended to read:

236.081 Funds for current operation of schools.—The annual allocation from the Florida education finance program to each district for current operation of schools shall be determined as follows:

(1) **COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR CURRENT OPERATION.**—The following procedure shall be followed in determining the annual allocation to each district for current operation:

(b) Determination of base student cost.—The base student cost shall be determined annually by the legislature. *For the 1974-75 school fiscal year the base student cost is fixed at seven hundred forty-five (745) dollars.*

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs are hereby established. However, the application of cost factors in special programs for exceptional students identified by the roman numeral I shall be limited to a maximum of seven twelve twenty-fifths of a student membership in a given program during a week. The criteria for qualification for the special programs shall be determined by regulations of the state board. Cost factors for special programs for exceptional students *shall be used to fund programs, approved by the department, as provided by law for exceptional students under the minimum age for enrollment in kindergarten will be used to fund programs approved by the department as provided by law.*

2. Special programs for exceptional students.—

e. Speech and Hearing Therapy I _____ 10.00

(2) **COMPUTATION OF COMPENSATORY EDUCATION SUPPLEMENTAL COST FACTOR.**—*Beginning with the 1975-76 fiscal year a* supplement to the base student cost shall be added to all full-time equivalent students in the basic programs qualifying for compensatory education in accordance with criteria, including low achievement test scores, socio-economic level, and low standard English comprehension level, established by regulations of the state board. Such regulations shall be designed to maintain consistency with applicable federal law and regulations so as to prevent impairment, interruption, or loss of any federal funds allocated to the state for compensatory education of public school students. *For the 1973-1974 fiscal year, a supplement of five hundredths multiplied by the base student cost for one full-time equivalent student shall be earned for each qualifying student in grades kindergarten through twelve. The department of education shall, after taking into consideration all funds available from all sources, annually recommend to the legislature an amount sufficient to carry out the purposes of this program. The legislature shall annually fix such supplement on a full-time equivalent student basis.*

(3) **COMPUTATION OF AD VALOREM TAX EQUALIZATION.**—For the 1973-74 fiscal year, each district in which the yield of each mill of tax for current operation purposes levied in the preceding year, at 95 percent of 100 percent of the nonexempt assessed valuation excluding additional homestead exemptions as authorized by chapter 71-300, Laws of Florida, based on the 1973 calendar year nonexempt assessed valuation excluding the additional homestead exemptions as authorized by chapter 71-300, Laws of Florida, divided by the full-time equivalent student membership of said district, is less than 7 percent of the base student cost shall be entitled to an amount equal to the difference between the yield for each full-time equivalent student of each mill or fraction thereof levied at or in excess of eight mills, but not over ten mills, and 7 percent of the base student cost. For each fiscal year thereafter, such computation shall be as above except computed on 8 percent of the base student cost and on the previous year's nonexempt assessed valuation excluding additional homestead exemptions as authorized by chapter 71-300, Laws of Florida.

(4)(3) **DETERMINATION OF COST OF LIVING FACTORS DISTRICT COST DIFFERENTIALS.**—The cost of living factors district cost differentials shall be determined by the legislature. The state board shall annually recommend to the legislature, based upon the most recent study by the department of administration, a list of districts and factors. For the 1973-74 1974-75 fiscal year, the cost of living district cost differential factors listed below shall be altered as follows: the factor of 1.10 shall be 1.00; the factor of 1.07 shall be 1.063; the factor of 1.00 shall remain 1.00; the factor of .96 shall be .964; and the factor of .90 shall be .91.

District Cost Differential Cost of living

District	Factor
(a) Dade	1.10
(b) Broward	1.07
(c) Palm Beach	1.07
(d) Alachua	1.00
(e) Collier	1.00
(f) Duval	1.00
(g) Leon	1.00
(h) Monroe	1.00
(i) Orange	1.00
(j) Pinellas	1.00
(k) Sarasota	1.00
(l) Bay	.96
(m) Brevard	.96
(n) Clay	.96
(o) Escambia	.96
(p) Hillsborough	.96
(q) Okaloosa	.96
(r) Polk	.96
(s) St. Johns	.96
(t) Santa Rosa	.96
(u) Seminole	.96
(v) Volusia	.96
(w) All other districts	.90
Alachua	0.978
Baker	0.950
Bay	0.946
Bradford	0.941
Brevard	0.975
Broward	1.045
Calhoun	0.883
Charlotte	1.002
Citrus	0.943
Clay	0.981
Collier	1.052
Columbia	0.948
Dade	1.085
DeSoto	0.941
Dixie	0.937
Duval	0.975
Escambia	0.938
Flagler	0.931
Franklin	0.922
Gadsden	0.906
Gilchrist	0.943
Glades	0.969
Gulf	0.915
Hamilton	0.901
Hardee	0.923
Hendry	0.991
Hernando	0.935
Highlands	0.933
Hillsborough	0.962
Holmes	0.893
Indian River	0.992
Jackson	0.896
Jefferson	0.922
Lafayette	0.900
Lake	0.955
Lee	0.999
Leon	0.994
Levy	0.928
Liberty	0.910
Madison	0.919
Manatee	0.989
Marion	0.974
Martin	1.007
Monroe	1.037
Nassau	0.937
Okaloosa	0.952
Okeechobee	0.995

Orange	0.953
Osceola	0.940
Palm Beach	1.045
Pasco	0.933
Pinellas	0.989
Polk	0.945
Putnam	0.943
St. Johns	0.948
St. Lucie	1.012
Santa Rosa	0.936
Sarasota	1.007
Seminole	0.953
Sumter	0.949
Suwannee	0.934
Taylor	0.932
Union	0.932
Volusia	0.980
Wakulla	0.957
Walton	0.902
Washington	0.887

For subsequent years the above factors shall apply, unless modified by the legislature.

(4) Of the amount computed in subsections (1) and (3) above, five dollars (\$5) per full-time equivalent student shall be expended as provided in §236.0811.

(5) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The amount that each district shall provide toward the cost of the Florida education finance program shall be calculated as follows:

(a) For the 1973-1974 fiscal year, the aggregate required local effort for all districts shall be three hundred twenty four million dollars, and of this amount each district's required local effort shall be computed as follows:

1. Determine separately for each district and for all districts collectively the value of nonexempt assessed valuation, excluding the total value of additional homestead exemptions authorized in chapter 71-300, Laws of Florida, as shown on the 1973 calendar year tax roll.

2. Determine for each district that district's percentage of the state total computed in subparagraph 1.

3. Multiply the aggregate required local effort as set forth in this paragraph by each district's percentage as determined in subparagraph 2, and the product shall be the individual district's required local effort for the 1973-1974 fiscal year.

(a) For the 1974-75 fiscal year, on or before July 25, the department of revenue shall, based upon the latest available data, certify to the department of education its latest estimate of the current total state-wide non-exempt assessed valuation for school purposes. Not later than August 1, the department of education shall compute the millage rate which, when applied to ninety-five percent (95%) of said estimate, would generate an amount equal to four hundred eighty seven million four hundred thousand dollars (\$487,400,000). The millage so determined shall be certified by the department to each school district, and such millage rate as applied to the official final roll shall represent the required local effort for each district. For 1975-76, and each year thereafter, the district required local effort shall be determined by the legislature provided, however, this amount shall not exceed eight (8) mills of tax on ninety-five percent (95%) of the non-exempt assessed valuation for school purposes included in the preceding calendar year tax roll as certified or deemed acceptable by the department of revenue.

(b) Beginning with the 1974-1975 fiscal year and every year thereafter, the required local effort shall be seven mills of tax levied on 95 percent of 100 percent of the nonexempt valuation of that district, excluding additional homestead exemptions as authorized by Chapter 71-300, Laws of Florida, for the preceding calendar year as certified or deemed acceptable by the department of revenue.

(b) In those instances in which there is litigation attacking the authority of the assessor to include certain property on the tax assessment roll as taxable property, and the tax collector has been directed by the court not to collect taxes on such property, or has been directed not to disburse to the tax levying authorities such taxes, and the assessed value of the property in contest involves more than ten percent (10%) of

the total non-exempt assessment roll, then ninety-five percent (95%) of the assessed value of the property in contest shall be excluded for purposes of computing the district required local effort.

(c) Following final adjudication of any litigation, upon which adjustments in non-exempt valuations have been based as prescribed herein, the department shall re-compute the required local effort for each district for each year affected by such adjustments, utilizing non-exempt valuations approved by the court, and shall adjust subsequent allocations to such districts accordingly.

(7)(6) CATEGORICAL PROGRAMS.—The legislature hereby provides for the establishment of selected categorical programs to assist in the development and maintenance of activities giving indirect support to the programs previously funded. These categorical appropriations may be funded as general and transitional categorical programs. It is the intent of the legislature that no transitional categorical program shall be funded for more than four (4) fiscal years from the date of original authorization or the effective date of this act from July 1, 1973, whichever is last later. Such programs are as follows:

(a) General.—

1. ~~Capital outlay~~ Comprehensive school construction and debt service as provided by law.

2. Community schools as provided by law.

3. Educational leadership training act programs as provided by law.

4. School lunch programs for the needy as provided by law.

5. ~~Textbooks~~ Instructional material funds as provided by law.

6. Vocational improvement fund as provided by law.

7. Student transportation as provided by law.

(b) Transitional.—

1. Bilingual program as provided by law.

2. Driver education as provided by law.

3. Elementary school counselors as provided by law.

4. Occupational specialists and placement specialists as provided by law.

5. Safe schools program as provided by law.

6. Comprehensive health education as provided by law.

7. Exceptional child support services as provided by law.

8. Severely and profoundly retarded as provided by law.

9. Career education programs provided by law.

(6)(7) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation shall be distributed periodically in the manner prescribed by regulations of the state board and shall be determined calculated as follows:

(a) Obtain the sum of:

1.(a) The basic amount for current operation as determined in subsection (1) plus the amount for compensatory education supplemental cost as determined in subsection (2), multiplied by a cost-of-living the district cost differential factor as determined in subsection (4)(3), less the required local effort as determined in subsection (5), plus the amount for the categorical programs for transportation, elementary counselors, and occupational specialists and placement specialists, as established in subsection (6); provided, however, if the funds appropriated for the purpose of implementing this subsection are not sufficient to pay the requirements in full, the department of education shall prorate the available funds on a percentage basis; provided further that if the funds appropriated for the purpose of implementing this subsection exceed the amount necessary to pay the requirements in full, the excess appropriation shall be transferred to and become a part of the appropriation for the comprehensive school construction and debt service program and shall be allocated by the department

in the manner prescribed by section 236.084; provided, further, that the amount to be transferred shall not exceed the difference between the dollar value of the required local effort as set forth herein and the actual final computed required effort as generated by the millage required to participate in the program.

2. Any entitlement to ad valorem tax equalization funds as determined in subsection (2).

(b) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding for the 1973-1974 1974-1975 fiscal year in the amount and manner prescribed below:

1. The department shall determine the average unit value per full-time equivalent student for the 1972-1973 1973-1974 fiscal year for each district as follows: divide the total number of instruction units full-time equivalent students included in the 1972-1973 1973-1974 Florida minimum foundation education finance program into the sum of: the actual cost of the state's share of the Florida minimum foundation program for instructional salaries, current expense, and transportation, plus the calculated amount from a ten mill tax levy which could have been collected on 95 percent of 100 percent of the 1972 calendar year nonexempt assessed valuation of the district, excluding additional homestead exemptions as authorized by chapter 71-309, Laws of Florida.

a. The 1973-74 state allocation for: current operation, as provided in §236.081(6)(a) and (b), Florida Statutes, 1973; student transportation, as provided in §236.083(7), Florida Statutes, 1973; elementary school counselors, as provided in §236.086, Florida Statutes; occupational specialists, as provided in §236.085, Florida Statutes; tax loss resulting from the additional homestead exemptions, as provided in §196.031(4), Florida Statutes, and

b. the calculated yield of the actual non-voted millage levied by the district during the 1973-74 fiscal year on ninety-five percent (95%) of the 1973 calendar year non-exempt assessed valuation of the district for school purposes, as determined pursuant to the provisions of chapter 74-14, Laws of Florida.

2. The average unit value per full-time equivalent student determined in subparagraph 1. shall be increased by 5 ten (10) per cent.

3. The amount determined in subparagraph 2. shall be multiplied by the number of instruction units that would have accrued in a 1973-1974 Florida minimum foundation program full-time equivalent students included in the final estimated computation of the 1974-75 Florida education finance program.

4. The amount determined in subparagraph 3. shall be the minimum level of funding for each district for the 1973-1974 1974-75 fiscal year. Such amount shall include the following: the state's share of the Florida education finance program, excluding school construction and debt service funds, excluding the amount allocated from the state to replace the district school tax loss resulting from the additional homestead exemptions provided in chapter 71-309, Laws of Florida, plus the calculated amount from a ten mill tax levied on 95 percent of 100 percent of the 1973 calendar year nonexempt assessed valuation of the district, excluding additional homestead exemptions as authorized by chapter 71-309, Laws of Florida.

a. The state allocation for: current operation, as provided in paragraph (a) of this subsection, exclusive of all categorical programs with the exception of student transportation, elementary school counselors, and occupational specialists and placement specialists;

b. The calculated yield of the allowable non-voted millage during the 1974-75 fiscal year on 95 percent of the 1974 calendar year nonexempt assessed valuation of the district for school purposes as prescribed in §236.25, Florida Statutes.

5. In any district in which the amount determined in subparagraph 3. does not equal or exceed the sources specified in subparagraph 4. the state share of this total shall be increased in an amount sufficient to assure that each district receives the amount determined in subparagraph 3.

6. If the millage levy proposed by the district school board in conjunction with state funding as provided in subparagraph 4. a. above is calculated to produce an amount in excess of

the amount determined in subparagraph 3. above, the district school board shall advertise such fact and the proposed millage levy in the manner prescribed in §200.065 (3) and (4), Florida Statutes.

(c) The maximum amount of Florida education finance program funds for current operation for all districts for special programs shall not exceed the dollar amount required to fund these programs as included in each of the district's educational plans for special programs submitted to the department, and as included in the annual legislative budget, however, the department is authorized to reallocate funds among districts when they are relinquished by the district to which originally allocated. The method for determining the dollar amount for reallocated funds shall be prescribed by regulations of the state board. For the 1973-1974 fiscal year the maximum amount of Florida education finance program funds for current operations for all districts for special programs for exceptional students shall not exceed eighty-five million five hundred six thousand five hundred dollars, and for students in special vocational technical programs and special adult general education programs shall not exceed one hundred fifty-four million four hundred thirty-nine thousand five hundred dollars. The department is authorized and directed to review all district programs in the areas of exceptional student programs and vocational education. First priority in the assignment of full-time equivalent student membership shall be based on the request of the districts as submitted and approved by the department. Any unassigned full-time equivalent membership shall be allocated to those districts submitting supplemental requests with priority to those districts with the lowest incident of programs to students identified to be in need of such special programs.

1. For the fiscal year 1974-75 the state total full-time equivalent student membership multiplied by the appropriate cost factors shall not exceed the following maximums:

a. One hundred fifty-two thousand four hundred nine (152,409) for all cost categories in special programs for exceptional students;

b. Three hundred five thousand eight hundred thirty-five (305,835) for all categories in vocational-technical and special adult general education programs.

2. In administering the maximums the department shall review each district's program and needs with each scheduled student membership survey and reassign the authorized weighted membership within the maximums provided herein. In any district in which, after the final assignment, the actual full-time equivalent membership multiplied by the appropriate cost factors exceed the assigned maximum, such excess full-time equivalent student membership shall be computed as a part of that district's basic program cost category for grades four through ten (4-10), at a cost factor of 1.00.

Section 4. Section 236.083, Florida Statutes, as created by chapter 73-345, Laws of Florida, is renumbered as §236.12, Florida Statutes, and the introductory paragraph, paragraph (a) of subsection (2), and subsection (7) are amended to read:

236.083 236.12 Funds for student transportation.—The annual allocation from the Florida education finance program to each district for transportation to the public schools of students in kindergarten through grades twelve (12) and exceptional students shall be determined as follows:

(2) Subject to the regulation of the state board, each district shall determine and report the one-way route mileage required to transport students to school for the first time on any school day and the one-way miles on routes between school centers required to transport students to school for the first time on any school day and the one-way miles on routes between school centers required to transport exceptional students and vocational students to centers where appropriate programs are provided. The one-way route mileage shall be computed by adding:

(a) The loaded miles of each school bus route one-way designated in accordance with §234.061 and served by a bus as defined by regulations of the state board, except that miles traveled for a side route to pick up students living within one and one-half miles of the main trunk route and miles traveled to transport students to evening schools and enrichment programs shall not be added; and

(7) The total allocation to each district for transportation of students shall be the sum of the amounts determined in subsections (4), (5) and (6); *provided, however, if the funds appropriated for the purpose of implementing this section are not sufficient to pay the requirements in full, the department of education shall prorate the available funds on a percentage basis.*

Section 5. Section 236.085, Florida Statutes, as created by chapter 73-345, Laws of Florida, is amended to read:

236.085 Allocation for occupational specialists and placement specialists.—The department is authorized to allocate an amount as prescribed annually by the legislature to each district for employment of occupational specialist and placement specialists in the same ratio as the full-time equivalent student membership in vocational programs to the full-time equivalent student membership of vocational programs of the state for the prior year, in accordance with regulations prescribed by the state board.

Section 6. Section 236.086, Florida Statutes, as created by chapter 73-345, Laws of Florida, is amended to read:

236.086 Allocation for elementary school counselors.—The department is authorized to allocate an amount as prescribed annually by the legislature for elementary school counselors to the districts in the same ratio as the full-time equivalent student membership of the district to the full-time equivalent student membership of the state for the prior year in grades kindergarten through six, for the employment of ~~certified~~ *qualified* elementary school counselors; ~~except that this allocation shall, for 1973-74 fiscal year, be based on average daily attendance from the 1972-73 school year in accordance with regulations prescribed by the state board.~~

Section 7. Section 236.087, Florida Statutes, as created by chapter 73-345, Laws of Florida, is hereby repealed.

Section 8. Section 236.25, Florida Statutes, is amended to read:

(Substantial rewrite. See §236.25, Florida Statutes, for present text.)

236.25 District School Tax.—

(1) Each school board desiring to participate in the state allocation of funds for current operation as prescribed by §236.081(5) shall levy no more than eight (8) mills of tax on the nonexempt assessed valuation for school purposes of the district exclusive of millage voted under the provisions of §9(b) and 12 of article VII of the Florida constitution.

Section 9. Paragraph (b) of Subsection (4) of §196.031, Florida Statutes is repealed.

Section 10. Subsection (3) of §237.071, Florida Statutes, is amended to read:

(Substantial rewrite. See §237.071(3), Florida Statutes, for present text.)

237.071 School board to adopt tentative budget.—

(3) The proposed budget shall include an amount for local required effort for current operation, in accordance with the requirements of §236.081(5).

Section 11. Subsection (1) of §237.151, Florida Statutes, is amended to read:

237.151 Current loans authorized under certain conditions.—At any time the current school funds on hand are insufficient to pay obligations created by the school board of any district, in accordance with the official budget of the district, the school board is authorized to negotiate a current loan to pay these obligations, providing for the repayment of that loan from the proceeds of revenues reasonably to be anticipated during the fiscal year in which the loan is made as prescribed below; provided, that the school board shall, whenever possible, so arrange its expenditures as to make the incurring of current loans unnecessary; provided further, that when it is deemed necessary, for the benefit of the schools of the district, for a current loan to be negotiated, the school board shall arrange for a loan only in the amount actually needed and for the repayment of the loan at the earliest date practicable.

(1) CURRENT LOANS AGAINST DISTRICT FUND; AND DISTRICT INTEREST AND SINKING FUNDS.—The

school boards of the several districts in the state are hereby authorized and empowered to borrow money, to be retired from the district tax receipts anticipated in the operating budget, and the debt service budget, at a rate of interest not to exceed 6 percent per annum ~~the rate authorized in §236.68~~, for the purpose of paying all outstanding obligations and for the further purpose of paying any and all lawful expenses incurred in operating the schools of said district; provided, however, that it shall be unlawful for any school board to borrow any sum of money in any one year in excess of 80 percent of the amount as estimated by them in the official budget for the current fiscal year for the district to be available from the district tax. The said sum so borrowed shall be paid in full before the school board shall be authorized to borrow money in any succeeding year.

Section 12. Subsection (5) of §237.161, Florida Statutes, is amended to read:

237.161 Obligations for a period of one year.—The school board of any district is authorized only under the following conditions to create obligations by way of anticipation of budgeted revenues accruing on a current basis without pledging the credit of the district or requiring future levy of taxes for certain purposes for a period of one year; provided, however, that such obligations may be extended from year to year with the consent of the lender for a period not to exceed four years:

(5) INTEREST-BEARING NOTES AUTHORIZED.—The school board of any district for which the department has authorized the incurring of the obligations as provided in this section, shall issue interest-bearing notes for the obligations. The notes shall provide the terms of payment and shall not bear interest in excess of ~~six percent per annum the rate authorized in §236.68~~. No additional obligations of a similar nature may be incurred against the funds of any school district when notes authorized under this subsection are still outstanding and unpaid when such proposed obligations together with the unpaid notes outstanding exceed one-fourth of the revenue of the preceding year, as defined in subsection (2) of this section.

Section 13. Subsection (3) of §237.34, Florida Statutes, as created by chapter 73-345, Laws of Florida, is amended to read:

(Substantial rewrite. See §237.34 (3), F.S., for present text.)

237.34 Comprehensive information, accounting and reporting system.—

(3) COST REPORTING.—Each district shall report expenditures of all funds on a school-by-school and on an aggregate-district basis in accordance with standards provided by the department. Definitions of program categories and cost elements to be reported shall be prescribed by regulations of the state board and shall include the programs set forth in §236.081(1) (c), Florida Statutes. In the 1974-75 fiscal year each district shall report to the department of education the percent and dollar amount of current operating funds of the Florida education finance program exclusive of categorical program funds and funds expended in the manner prescribed by Section 236.081(4) expended by program cost categories that generate the funds. By the 1975-76 fiscal year, an amount equal to at least seventy percent (70%) of current operation funds of the Florida education finance program exclusive of categorical program funds and funds expended in the manner prescribed by Section 236.081(4), Florida Statutes, shall be expended by program cost categories in the district that generates the funds and the school shall report similar expenditures and percents for basic programs. By the 1976-77 fiscal year, eighty percent (80%) of current operation funds of the Florida education finance program shall be expended by basic program cost categories in each school that generates the funds and by special program cost categories in the district that generates the funds. A district by district accounting shall be made for all categorical programs identified in §236.081(6), and such funds shall be expended for the costs of the identified programs in accordance with regulations of the state board. All districts, in cooperation with the department, shall plan mutually compatible programs for the refinement of cost data and improvement of the accounting and reporting system. The department shall report to the legislature sixty (60) days prior to the opening of the regular 1975 and 1976 sessions on the status of district programs and the state's own program for improvement of accounting and reporting of cost data on a statewide compatible basis. The report shall include the anticipated degree of implementation

in the current fiscal year. The refinements and improvements identified in the district's plan and the state plan shall be accomplished by July 4, 1976. Each approved district plan and the state plan shall incorporate procedures or the alternatives considered for minimizing the number and complexity of reports from the school level.

Section 14. Subsection (3) of §232.255, Florida Statutes, is amended to read:

(Substantial rewrite. See §232.255, Florida Statutes, for present text.)

232.255 School safety fund.—

(3) **ELIGIBILITY FOR FUNDING.**—

(a) Each school district shall be eligible to receive an amount of school safety funds per year up to the sum available to such district produced by the following formula, based on full-time equivalent student membership during the preceding year:

1. For the first 30,000 full-time equivalent students: \$1.40 per student.

2. For the next 20,000 full-time equivalent students: \$1.80 per student.

3. For the next 15,000 full-time equivalent students: \$2.35 per student.

4. For all full-time equivalent students in excess of 65,000: \$4.00 per student.

(b) The provisions of paragraph (a) to the contrary notwithstanding, each school district shall receive a minimum of five thousand dollars (\$5,000). If there are additional funds appropriated, each school district shall share in said additional funds in proportion to the amount its entitlement above set forth bears to the amount appropriated.

Section 15. Section 236.122, Florida Statutes is created to read:

236.122 ALLOCATION FOR INSTRUCTIONAL MATERIALS.—The department is authorized to allocate and distribute to each district an amount as prescribed annually by the legislature for instructional materials for use in grades K-12, exceptional education programs, and vocational education programs, which will provide for growth and maintenance needs. The annual allocation shall be determined as follows:

(1) The growth allocation for each school district shall be calculated by subtracting that district's projected full-time equivalent membership used in determining the appropriation for the Florida education finance program from the prior year full-time equivalent membership of that district and multiplying any increase in full-time equivalent membership by the average cost of a set of instructional materials as determined by the department, or as provided for in the general appropriations act. The amount thus determined shall be that district's total allocation for growth for the school year.

(2) The maintenance allocation for each school district shall be calculated by multiplying each district's prior year full-time equivalent membership by twenty percent (20%) of the average cost of a set of instructional materials as determined in (1) above. The amount thus determined shall be that district's total allocation for maintenance for the school year.

Section 16 Subsection (19) of section 228.041, Florida Statutes, is amended to read:

(Substantial rewording of section. See §228.041, F. S., for present text.)

228.041 Specific definitions.—Specific definitions shall be as follows and wherever such defined words or terms are used in the Florida School Code they shall be used as follows:

(19) **Exceptional students.**—The term "exceptional students" means any child or youth who has been certified by a specialist qualified under regulations of the state board to examine students who may be unsuited for enrollment in a regular class of the public schools or is unable to be adequately educated in the public schools without the provision of special classes, instruction, facilities or related services, or a combination thereof. The term "exceptional students" includes the following: the

mentally retarded, the speech impaired, the deaf and hard of hearing, the blind and partially sighted, the crippled and other health impaired, the emotionally disturbed and socially maladjusted, those with specific learning disabilities, and may include the gifted.

Section 17 Implementation.—Each school board shall provide an appropriate program of special instruction for exceptional children; such programs shall be implemented in annual increments so that all exceptional children shall be served, provided however, that all severely and profoundly retarded children shall be served by 1977-78.

Section 18 Review of proposals.—Pursuant to regulations to be adopted by the state board of education, a school board may submit to the commissioner a proposal for a grant for programs for the severely and profoundly retarded. Upon the request of any school board the department shall provide such technical assistance to the school board as is necessary to develop and submit a proposed program for the severely and profoundly retarded. The department may use its own staff or such consultants as may be necessary to accomplish this purpose. The district school board shall give priority to the programs serving the maximum number of persons within the limits of resources available and to programs which will allow for matching funds or for joint funding from the federal government or other public or private sources.

Section 19. Section 231.602, Florida Statutes, is amended by adding a new subsection to read:

231.602 Definitions.—As used in this act:

(10) "*Clinical preservice*" means those aspects of teacher preparation which are more appropriately conducted in the field-based setting than in the campus setting.

Section 20. Subsection (2) of section 231.603, Florida Statutes, is amended to read:

231.603 Establishing teacher education centers.—

(2) The program of each teacher education center shall include, but not be limited to, the following:

(a) To provide inservice teacher education.

(b) To provide preservice teacher education.

(c) To prepare and reproduce teacher training materials.

(d) To develop and encourage community participation in educational programs.

(e) To recommend programs through which provision is made for alternative routes to certification and completion of masters degrees.

(a) To assess in-service training needs as perceived by classroom teachers, school district personnel, university personnel and other concerned agencies.

(b) To develop programs based on those identified in-service needs.

(c) To provide human and material resources for in-service training by whichever agents are best prepared to deliver them.

(d) To assess needs and provide the resources and experiences for clinical preservice teacher training, thus relating theoretical and practical study.

(e) To facilitate the entry or reentry of educational personnel into the teaching profession.

(f) To facilitate training processes which are based on assessment of needs, the development of experiences to meet those needs, and evaluation of the extent to which the needs were met.

(g) To facilitate internal and external evaluation which would include but not be limited to data gathering, process evaluation, product evaluation, and validation of teaching competency.

Section 21. Subsections (1) and (2) of section 231.604, Florida Statutes, are amended to read:

231.604 State Council.—The governor shall, within thirty days following the effective date of this act, appoint a State Council for Teacher Education Centers.

(1) **MEMBERSHIP.**—The council shall be composed of ~~twelve~~ fourteen members as follows:

- (a) ~~Six~~ Seven members shall be classroom teachers.
- (b) Two members shall be college or university teacher educators.
- (c) One member shall be a district school superintendent.
- (d) One member shall be a district school board member.
- (e) Two members shall be representatives of the state department of education.
- (f) One member shall be a school principal.

(2) **TERMS OF APPOINTMENT.**—The terms of appointment for each council member shall be three years and until his successor is appointed and qualified, except in the case of an appointment to fill a vacancy, in which case the appointment shall be for the unexpired term. However, the initial appointments shall be as follows: four members for one-year terms; ~~four~~ five members for two-year terms; and ~~four~~ five members for three-year terms. No member shall be appointed for more than two terms and no member shall serve as chairman for more than two years.

Section 22. Paragraph (a) of subsection (1) of section 231.606, Florida Statutes, is amended to read:

231.606 Administration of local teacher education centers.—

(1) **CENTER COUNCIL.**—The local school board shall appoint the members of the council at the teacher education center.

(a) **Membership.**—The local school board, superintendent, classroom teachers, universities, community agencies, and other interested groups shall recommend the membership of a council at each center of not less than nine members, broadly representative of all groups, except that classroom teachers, *certificated to teach in kindergarten or grades one through twelve, who work 50% or more of their time at the school level other than those persons in administrative or supervisory positions,* shall constitute a majority.

Section 23. Subsection (1) of section 231.608, Florida Statutes, is amended to read:

231.608 Evaluation.—

(1) Each teacher education center shall submit an annual report to the state council for teacher education centers. This report shall be based on the measurable objectives of the center proposal and shall include, but not be limited to, the following:

- (a) A description and evaluation of programs conducted under the supervision of the center.
- (b) The number of participants in center program activities.
- (c) A description and evaluation of methods of center operations.
- (d) A statement of center expenditures.

Section 24. Section 231.610, Florida Statutes, is amended by adding a new subsection (3) to read:

231.610 Noncredit Activities.—

(3) From the amount appropriated annually by the appropriations act to the general office of the board of regents the board shall allocate an amount in the manner indicated therein, to colleges of education in the state university system for the support of noncredit activities carried out in teacher education centers approved by the department of education which meet the criteria adopted specifically for this purpose by the state board of education pursuant to section 231.601(4) and 231.603, Florida Statutes. Funds referred to in this section shall not be spent for any activity other than the direct support of noncredit activities carried out under the direction of an approved teacher education center.

Section 25. Section 231.611, Florida Statutes, is created to read:

231.611 It is the intent of the legislature that the planning, development, and implementation of teacher education centers shall be carried out in an orderly systematic manner. State-wide implementation should be accomplished prior to June 30, 1979. The department of education is authorized to approve up to ten (10) centers during the 1974-75 fiscal year. The following procedure shall be used in determining which centers shall be approved:

(1) The department of education shall provide each school district and each university full information about teacher education centers and a copy of all requirements for establishing and operating centers.

(2) Each district and university wishing to jointly establish a center in 1974-75 shall submit a brief proposal to the department of education.

(3) The state council on teacher education centers shall review all proposals and recommend to the department of education the ten locations which in the opinion of the council will best meet the expectations of the teacher education center act; provided, however, that consideration shall be given to geographic location so as to have some center development in the several regions of the state.

(4) The department shall notify all school districts of the locations selected and request those selected to develop a detailed plan of operation for approval by the department of education in accordance with this act and regulations of the state board of education.

(5) The department of education is authorized to use up to \$20,000 per teacher education center from the educational research and development program to assist with start up and other developmental costs when such development is consistent with the mission of the research and development program.

Section 26. Section 236.0811, Florida Statutes, is created to read:

236.0811 In-service Educational Personnel Training.—Each school board shall develop and maintain a comprehensive in-service training program for all educational personnel. Such programs shall be funded through annual appropriations in the Florida education finance program to each school district at the rate of five dollars (\$5.00) per full-time equivalent student in each district or such other rate as may be established annually by the legislature. Funds appropriated to school districts pursuant to this section shall be used exclusively for in-service personnel training programs meeting criteria established by the department of education for in-service master plans. When a district has an approved teacher education center these funds and the in-service programs shall be conducted in accordance with the provisions of The Teacher Education Center Act of 1973 as amended.

Section 27. Section 236.0841, Florida Statutes, is created to read:

Section 236.0841 Student enrichment and remedial programs.—Each school district may provide any amount from current operation funds of the Florida education finance program for salaries of personnel who are employed, pursuant to regulations of the state board, to provide supplementary enrichment and remedial activities. The enrichment and remedial activities, when offered, shall be provided students during periods of time supplemental to or beyond the required one hundred eighty days (180) of instruction.

Section 28. A new subsection (5) is added to §236.084 Florida Statutes, as created by chapter 73-345, Laws of Florida, to read:

236.084 Funds for comprehensive school construction and debt service.—The annual allocation from the Florida education finance program to each district for the comprehensive school construction and debt service program shall be determined as follows:

(5) In the event that a change, correction or recomputation of data during any year, including the 1973-74 fiscal year, results in a reduction or increase of the calculated amount previously allocated to a school district, the allocation to that district shall be adjusted correspondingly.

(a) If such recomputation results in a reduction of the calculated amount, any unencumbered portion of the excess al-

location shall be returned to the department for reallocation to eligible districts. Any encumbered portion of the excess allocation shall be carried forward and deducted from future entitlements to the district until the excess allocation is returned in total.

(b) If such recomputation results in an increase of the calculated amount, such additional amount shall be added to the allocation to the district from future appropriations.

Section 29. Legislative intent.—It is the intent of the legislature:

(1) that any child whose performance, attitude or behavior indicates the possible existence of an exceptionality as defined by state board of education regulations be tested to determine whether such a disability does, in fact, exist.

(2) that all children with disabilities be identified, diagnosed, and treated at the earliest possible time during their school career.

(3) that by the beginning of the 1976 school year every child entering kindergarten shall be tested to determine the existence of potential disabilities.

(4) that diagnostic and resource centers cooperate and consult with teachers and district schools concerning early detection and treatment of children with disabilities.

Section 30. Creation of a system of diagnostic and resource centers.—The department of education is directed to establish sixteen (16) regional diagnostic and resource centers for exceptional students to be located in Alachua, Bay, Broward, Dade, Duval, Escambia, Hillsborough, Lee, Leon, Marion, Orange, Pinellas, Polk, Palm Beach, Sarasota, and Volusia counties.

Section 31. Regional diagnostic and resource centers.—

(1) Regional diagnostic and resource centers shall provide a responsible range of medical, physiological, psychological, educational, and other testing services designed to evaluate and diagnose disabilities, to prescribe instruction and services and to make possible the referral for necessary instruction and services.

(2) Regional diagnostic and resource centers may provide consultant services within a district or districts to parents, regular teachers, exceptional student teachers, principals, and other school personnel and community organizations in providing and improving instructional programs for students with disabilities.

(3) In order to better serve children in counties not having a regional center, diagnostic and resource centers are authorized to use mobile testing units equipped to provide the same services as are available at the regional center.

(4) Coordination of services.—The regional diagnostic and resource center shall coordinate all diagnostic services for students with disabilities, using to the maximum the existing facilities and services within the district or districts. The department of education shall cooperate with the divisions of health, mental health, retardation, family services vocational rehabilitation, youth services, and universities and junior colleges in the establishment of diagnostic and resource centers and the provision of services to children with identified disabilities.

(5) Beginning in 1975, each center shall, prior to the commencement of the regular school year, hold inservice workshops designed to familiarize classroom teachers, principals, and supervisors with the center facilities and programs and to aid them in the detection of children with disabilities.

Section 32. Services to other than public school students.—Diagnostic and resource centers are hereby authorized to provide testing and evaluation services to non-public school pupils or other children who are not enrolled in a public school. The department of education shall establish a uniform schedule of fees to be charged by the centers for their services to children not currently enrolled in public schools. All fees collected by the individual centers for such services shall be accounted for in accordance with department of education regulations provided that, the fees collected by each center shall be used for the provision of testing and evaluation services.

Section 33. Duties and responsibilities of the state coordinator.—The state coordinator of diagnostic and resource center programs shall have the following duties and responsibilities:

(1) To select a qualified director and staff for each center. Provided that, each director must have a masters degree in education of exceptional students or a related subject area and be certified teacher.

(2) To submit an annual summary report together with his recommendations to the legislature on the programs and activities of all the diagnostic and resource centers.

(3) To oversee and coordinate the activities and programs of all the diagnostic and resource centers.

Section 34. Duties and responsibilities of district school boards.—

(1) Each school board in a district having a diagnostic and resource center within its borders shall have the following duties and responsibilities:

(a) To provide the necessary physical facilities and administrative support to enable the center to serve the maximum number of students possible.

(b) To refer students to the center for testing and evaluation.

(c) To establish or otherwise provide programs to meet the needs of students identified by the center as having disabilities.

(2) In counties not having a center within their borders the school board is hereby authorized to contract with one or more centers that are the closest in proximity to the student population to be served.

Section 35. Duties of the center director.—The director of each center shall have the following duties and responsibilities:

(1) To coordinate the activities of the center and the school districts to insure that all schools receive the necessary services.

(2) To keep a record of all pupils referred to the center, all tests given and all resource services provided either to the districts or to an individual child.

(3) To submit an annual plan to the department of education which shall include, but not be limited to, a description of physical facilities, the number of the districts and children to be served, and the type of program to be offered.

(4) To recommend qualified individuals to be considered for vacancies on the center staff to the state coordinator of diagnostic and resource centers.

Section 36. Special education support services in school districts.—The department of education, division of elementary and secondary education, is authorized to award grants to local school districts for the establishment or expansion of special education support services. The purposes of special education support services shall be:

(1) To assure the availability of a full range of education assessment, medical, psychological, social, and prescriptive instructional services and other related services through direct services or purchased services.

(2) To provide consultant services within a district or districts to parents, regular teachers, exceptional child teachers, principals and other school personnel and community organizations in providing instructional programs.

Section 37. Utilization of services.—The special education support service shall not duplicate but shall utilize and supplement services provided to children within a district or a region by state agencies and community organizations. Cooperating entities shall include but not be limited to the department of health and rehabilitative services and universities and community colleges. No funds shall be used for capital outlay construction.

Section 38. Allocation for career education.—The department is authorized to allocate an amount as prescribed annually by the legislature to each district for career education in the same ratio as the full-time equivalent student membership in grades kindergarten through twelve of the district to the full-time equivalent student membership in grades kindergarten through twelve of the state for the prior year in accordance with regulations prescribed by the state board; provided, however, that no district shall receive less than the amount received in the 1973-74 fiscal year.

Section 39. To assist the legislature in determination of district cost differentials required by Section 236.081(3), Florida Statutes, there is hereby appropriated to the department of administration \$454,500 from the general revenue fund to conduct a price level differential study. The department of administration is authorized to employ not more than seven (7) additional positions for the purpose of carrying out this section.

Section 40. Item 246E, Grants and Aids, Florida educational funding program included in the 1974 general appropriations act is further allocated to the following programs in the amounts indicated:

(1) Diagnostic and resource centers for exceptional students to be allocated as follows:

\$2,000,000 for the establishment and operation of 16 diagnostic and resource centers,

\$1,000,000 to be used for the purchase of mobile testing units,

\$1,000,000 to be allocated to the department of education for distribution to districts who, upon application, can show special unmet needs. \$4,000,000

(2) Programs for the severely and profoundly retarded \$ 635,000

Section 41. This act shall take effect July 1, 1974.

Conference Committee Amendment 2—Strike the title and insert:

A bill to be entitled

An act relating to Florida public school finance; amending section 236.013(3) and creating a new section 236.013(14), Florida Statutes, defining the scope of the Florida education finance program and revising the definition of a full-time equivalent student; amending section 236.02(6), Florida Statutes; providing for minimum financial effort; amending section 236.081(1)(b) and (c), (2), (3), (4), (5), (6) and (7), Florida Statutes, fixing the base student cost for 1974-75, creating a special program for deaf students, deleting funding of the compensatory education supplemental cost factor for 1974-75, deleting the provision for supplemental ad valorem tax equalization, adjusting the district cost differential factors, providing an expenditure for in-service education programs, providing for computation of district required local effort, providing additional categorical programs; prescribing a procedure for determination of the total state allocation to each district, and providing for proration of state allocations, transfer of excess appropriations to the comprehensive school construction program, a guaranteed minimum level of funding for 1974-75, and a limitation on membership in special programs; transferring and renumbering section 236.083, Florida Statutes, as section 236.12, Florida Statutes, and amending subsections (2) and (7), relating to computation of transported miles and proration of transportation funds; amending section 236.085, Florida Statutes, relating to the occupational specialist program; amending section 236.086, Florida Statutes, relating to computation of elementary counselor funds; repealing section 236.087, Florida Statutes, relating to the computation of total state allocation to districts; amending section 236.25, Florida Statutes, providing a limitation on authorized district millage levies; repealing section 196.031(4), Florida Statutes, relating to additional homestead exemption losses and additional state school funds; amending section 237.071(3), Florida Statutes, providing for budgeting of local effort; amending sections 237.151 (1) and 237.161(5), Florida Statutes, increasing authorized interest rates on loans to district school boards; amending section 237.34(3), Florida Statutes, relating to cost reporting and expenditures of funds; amending section 232.255(3), Florida Statutes, relating to school safety funds; creating section 236.122, Florida Statutes, establishing an allocation for instructional materials; amending section 228.041 (19), Florida Statutes, providing a definition of "exceptional students"; providing for implementation of programs for profoundly retarded children; creating section 231.602(10), Florida Statutes, defining "clinical pre-service"; amending sections 231.603(2), 231.604(1) and (2), 231.606 (1), 231.608(1), and 231.610, Florida Statutes, relating to teacher education centers, including membership in center councils, evaluation of center programs, and an allocation to teacher centers; creating section 231.611, Florida Statutes,

providing for implementation of teacher centers; creating section 236.0811, Florida Statutes, providing for in-service training programs; providing for special education support services; providing for student enrichment and remedial programs; providing an allocation for career education; providing for cost differential studies; providing for regional diagnostic and resource centers for exceptional students, including testing of children, in-service workshops, and duties and responsibilities of state and local school officials including state coordinator; providing appropriations; providing an effective date.

On motion by Senator Graham the Conference Committee Report as an entirety was adopted, HB 3692 passed as recommended and was certified to the House. The vote was:

Yeas—34

Mr. President	Gordon	Myers	Trask
Barron	Graham	Peterson	Vogt
Brantley	Gruber	Pettigrew	Ware
Childers	Henderson	Poston	Weber
Deeb	Johnson	Sayler	Williams
de la Parte	Johnston	Scarborough	Winn
Firestone	Lane (23rd)	Sims	Zinkil
Gillespie	Lewis	Smathers	
Glisson	McClain	Sykes	

Nays—None

By unanimous consent Senator Wilson was recorded as voting yea.

The Honorable Mallory E. Horne, President May 31, 1974

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed as amended—

HB 4000	HB 2930
HB 3899	CS for CS for HB 3102
HB 1542(cs 1542, 1370)	CS for HB 3412
HB 2684	CS for CS for HB 3740
HB 972	CS for HB 3909
HB 788	HB 3975
HB 455	HB 4018
HB 1543(cs)	HB 4142
CS for HB 584	HB 4221
HB 2939	CS for HB 661
CS for HB 3378	HB 3119
HB 3504	HB 4131
HB 3834	HB 4069
HB 3966	CS for HB 4138
HB 4016	HB 4007
HB 4127	HB 1216
HB 4152	HB 2496
HB 3080	HB 2931
HB 4173	HB 3372
HB 4125	HB 3499
HB 2627	CS for HB 3767
HB 3041	HB 3914
HB 4045	HB 4005
CS for HB 671	HB 4088
HB 2404	HB 4149

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 30, 1974

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended—

HB 2892	HB 3020	HB 3777
HB 2346	HB 2666	HB 4144
HB 3534		

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 28, 1974

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended—

HB 3778	CS for HB 3903	CS for HB's 2131
HB 3084	HB 1696	and 2132
HB 435(cs)	HB 3258	HB 1485(cs)
HB 1474	CS for HB 3669	HB 1199
HB 8440		CS for HB 3796

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 29, 1974

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended—

HB 2099	HB 1782(cs)	CS for CS for
CS for HB 3169	HB 1554(cs)	HB 1739(cs)

Allen Morris, Clerk

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

CS for SB 77 with 2 House amendments
SB 86 with 1 House amendment
CS for SB 96 with 2 House amendments

—reports that the House amendments have been incorporated and the bills are returned herewith.

JOE BROWN, Secretary

Your Engrossing Clerk to whom was referred—

CS for SB 56 with 1 House amendment
SB 63 with 5 House amendments
SCR 143 with 1 House amendment
SB 158 with 1 House amendment
SB 255 with 4 House amendments
SB 267 with 1 House amendment
SB 358 with 2 House amendments
SB 395 with 2 House amendments
CS for SB 579 with 2 House amendments
SB 589 with 2 House amendments
SB 601 with 2 House amendments
SB 825 with 1 House amendment
SB 873 with 4 House amendments
SB 945 with 2 House amendments
SB 1101 with 3 House amendments

—reports that the House amendments have been incorporated and the bills are returned herewith.

JOE BROWN, Secretary

Your Engrossing Clerk to whom was referred—

SB 48 with 2 House amendments
CS for SB 132 with 12 House amendments

—reports that the House amendments have been incorporated and the bills are returned herewith.

JOE BROWN, Secretary

Your Engrossing Clerk to whom was referred—

CS for SB 492 with 6 House amendments
SB 553 with 2 House amendments
SB 788 with 3 House amendments
SB 962 with 1 House amendment
CS for SB 974 with 3 House amendments

—reports that the House amendments have been incorporated and the bills are returned herewith.

JOE BROWN, Secretary

Your Engrossing Clerk to whom was referred—

SB 171 with 2 Conference Committee amendments, 4 Senate amendments and 2 House amendments
SB 462 with 3 House amendments
SB 887 with 2 Senate amendments and 2 House amendments
CS for SB 892 with 2 Conference Committee amendments
SB 1020 with 2 Senate amendments and 2 House amendments
SB 1100 with 2 Conference Committee amendments

—reports that the amendments have been incorporated and the bills are returned herewith.

JOE BROWN, Secretary

Your Engrossing Clerk to whom was referred SB 105 with 1 House amendment reports that the House amendment has been incorporated and the bill is returned herewith.

JOE BROWN, Secretary

The bills contained in the above reports were ordered enrolled.

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred CS for SB 215 reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on May 31, 1974.

JOE BROWN, Secretary

Your Enrolling Clerk to whom was referred CS for SB 364 reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on May 31, 1974.

JOE BROWN, Secretary

Your Enrolling Clerk to whom was referred—

CS for SB 219	SB 1084	SB 1094	SB 1097
CS for SB 663	SB 1087	SB 1095	SB 1099
SB 783	SB 1090	SB 1096	SB 1103
SB 903			

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on May 31, 1974.

JOE BROWN, Secretary

Your Enrolling Clerk to whom was referred SCR 1118

—reports same has been enrolled, signed by the required Constitutional officers and presented to the Secretary of State on May 31, 1974.

JOE BROWN, Secretary

Your Enrolling Clerk to whom was referred CS for SB 959 reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on May 31, 1974.

JOE BROWN, Secretary

Your Enrolling Clerk to whom was referred—

CS for SB 15 SB 1083

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on May 31, 1974.

JOE BROWN, Secretary

MESSAGES FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State Senate Bills 470 and 277, CS for SB 504, CS for SB 215 and CS for SB 959 which he had approved on May 31.

The Journal of May 30 was further corrected and approved as follows:

Page 692, counting from the bottom of column 2, line 17, before "providing" insert: providing for per diem and traveling expenses;

Page 705, column 2, line 28, strike "ation piers" and insert: single family and duplexes

Page 705, counting from the bottom of column 1, between lines 8 and 9 insert lines 1 through 27, counting from the bottom of column 1, page 707

Page 747, column 2, between lines 17 and 18 insert: Section 7. This act shall take effect July 1, 1974.

Page 760, counting from the bottom of column 1, at the end of line 9 insert: or employee of an agency shall disclose information gained

Page 765, counting from the bottom of column 1, strike line 20 and insert: 1973-74 fiscal year was lower than the factor assigned for the 1974-75 fiscal year by this act, the district's calculation under

Page 769, column 2, line 1, strike "distric" and insert: district school tax, and providing a limit on authorized district

The Journal of May 29 was further corrected and approved as follows:

Page 641, counting from the bottom of column 1, line 11, strike "six" and insert: four

Page 650, column 2, strike line 8 and "battery;" on line 9 and insert: to use or possession of firearms or weapons or aggravated battery in commission of felony;

Page 654, counting from the bottom of column 1, between lines 5 and 6 insert: SB 880 was taken up, together with: By the Committee on Commerce—

Page 654, column 2, between lines 3 and 4 insert: —which was read the first time by title and SB 880 was laid on the table.

Page 670, column 2, between lines 21 and 22 insert: Amendment 1 as amended was adopted.

The Journal of May 28 was further corrected and approved as follows:

Page 604, column 2, strike line 23 and insert: missionaries, providing for the abolishment of existing districts;

Page 620, counting from the bottom of column 1, line 15, after "shall" insert: not

Page 625, column 2, line 25, after "percentages," insert: prohibiting trial judge accepting lesser plea if blood alcohol level exceeds certain level;

Page 628, column 1, between lines 19 and 20 insert: SB 1020 was taken up, together with: By the Committee on Health and Rehabilitative Services—

Page 628, column 1, between lines 26 and 27 insert: —which was read the first time by title and SB 1020 was laid on the table.

The Journal of May 27 was further corrected and approved as follows:

Page 570, counting from the bottom of column 2, strike line 1 and "12" on line 2 and insert: 11 and "Statutes;" on line 12

Page 583, column 1, line 28, after "class" insert: mail

The Journal of May 24 was further corrected and approved as follows:

Page 515, counting from the bottom of column 2, line 17, strike "passed" and insert: failed to pass as amended

Page 524, counting from the bottom of column 1, line 29, after "in" insert: any

The Journal of April 11 was further corrected and approved as follows:

Page 114, counting from the bottom of column 1, line 9, strike "deferred" and insert: referred to the Committee on Rules and Calendar

Senator Barron moved that the Senate adjourn.

The President sounded the gavel at 11:01 p.m. and declared the Senate in 1974 Regular Session adjourned sine die.

**LOBBYIST REGISTRATIONS UNDER SENATE RULE NINE
MAY 27 THROUGH MAY 31**

<i>Name & Address</i>	<i>Entity Represented and Address</i>	<i>Legislation Involved; Association with Legislator</i>
Boyd, William L. P. O. Box 5617 Tallahassee, 32301	Association of American Publishers, Inc. One Park Avenue New York, N.Y. 10016	Matters affecting the Association
D'Alemberte, Talbot 1400 First National Bank Building Miami, 33131	Florida Power and Light Co. 4200 W. Flagler St. Miami	Administrative procedure
Dupuy, Donna 1500 Rue Vendome Pembroke Pines, 33026	Self Same	Business regulation, matters pertaining to construction industry
Lance, Carroll 110 Thomasville Rd. Tallahassee, 32303	Asphalt Contractors Assoc. Same	All bills affecting highway industry
Lazarus, Arthur Stuart P.O. Box 933 Kendall, 33156	Self Same	Matters on the construction industry
Lewis, Halley Bronson 222 W. Pensacola Tallahassee, 32304	Dept. of Legal Affairs The Capitol Tallahassee, 32304	General legislation
Miller, Leonard 10221 Taft St. Pembroke Pines, 32023	Self Same	Matters pertaining to construction industry
Palmer, Richard D. 908 Seagle Bldg. Gainesville, 32601	University of Florida Same	Establishment of Training, Research and Education Center for water waste op.
Quarles, Mary Virginia Dixon Blvd. Cocoa	Brevard County Classroom Teachers' Assoc. (FEA) Same	Education
Reed, Donald A., Jr. 555 Hibiscus Street Boca Raton, 33432	Leadership Housing, Inc. and Elms Committee	Land development and related legislation
Sawyer, Thomas Allen Dixon Blvd. Cocoa	Brevard County Classroom Teachers' Assoc.	Education
Siegel, Jay Allen 2600 W. Oakland Pk. Blvd. Ft. Lauderdale, 33311	Self Same	Matters pertaining to the construction industry
Sisselman, David Ira Box U-1273, FSU Tallahassee, 32306	Young Democrat Club of Florida State University Box U-6624, FSU Tallahassee, 32306	Student interests, consumer affairs, good government
Vogh, Richard Philip P. O. Box 490 Gainesville, 32602	Gainesville-Alachua Regional Utility Board Municipal Building Gainesville, 32602	SB 273, HB 2862